

[Second Reprint]  
**SENATE, No. 2239**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED OCTOBER 4, 2012

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

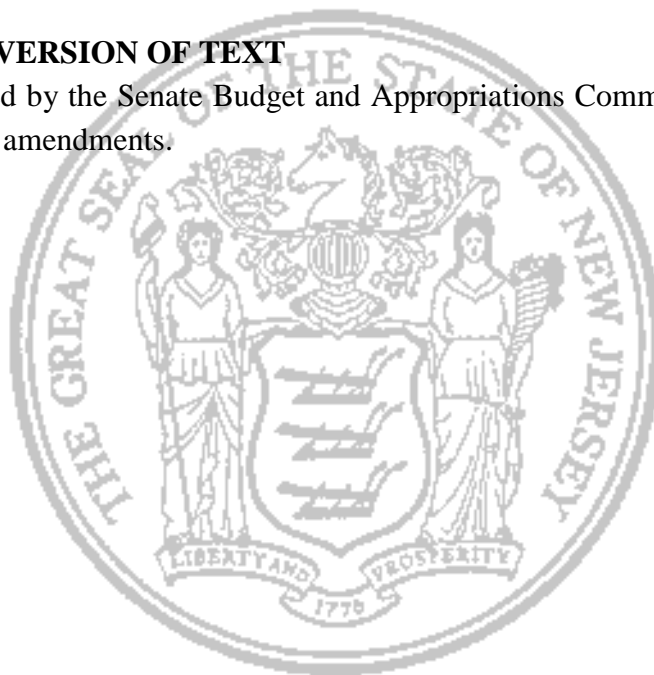
**Senators T.Kean, Ruiz, Buono, Stack, Beck, Cardinale, Cunningham,  
Greenstein, Allen, Oroho, Addiego, Gordon, Madden and Turner**

**SYNOPSIS**

The “Human Trafficking Prevention, Protection, and Treatment Act.”

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on March 4, 2013, with amendments.



**(Sponsorship Updated As Of: 3/19/2013)**

1 AN ACT concerning human trafficking and designated the “Human  
2 Trafficking Prevention, Protection, and Treatment Act,” and  
3 amending and supplementing various parts of the statutory law.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. (New section) a. (1) There is hereby created, in the <sup>1</sup>Division  
9 of Criminal Justice in the<sup>1</sup> Department of Law and Public Safety, a  
10 commission to be known as the Commission on Human  
11 Trafficking, consisting of 15 members as follows: the Attorney  
12 General, or his designee; the Commissioner of Children and  
13 Families, or his designee; the Commissioner of Human Services, or  
14 his designee; <sup>1</sup>a county prosecutor, appointed by the Governor  
15 based upon the recommendation of the County Prosecutors  
16 Association of the State of New Jersey;<sup>1</sup> one member of the New  
17 Jersey Human Trafficking Task Force established within the  
18 Department of Law and Public Safety, designated by the Attorney  
19 General; two public members appointed by the Governor based  
20 upon the recommendation of the Senate President, one representing  
21 law enforcement and one representing a victim’s assistance  
22 organization; one public member appointed by the Governor based  
23 upon the recommendation of the Senate Minority Leader  
24 representing either a non-profit health care facility or mental health  
25 services; two public members appointed by the Governor based  
26 upon the recommendation of the Speaker of the General Assembly,  
27 one representing law enforcement and one representing a victim’s  
28 assistance organization; one public member appointed by the  
29 Governor based upon the recommendation of the Assembly  
30 Minority Leader representing either a non-profit health care facility  
31 or mental health services; and <sup>1</sup>**“five”** four<sup>1</sup> public members  
32 appointed by the Governor, one of whom shall be a representative  
33 of <sup>2</sup>**“the National Center for Missing and Exploited Children”** a  
34 child advocacy organization concerning missing, abducted, or  
35 exploited children, and one of whom shall be a human trafficking  
36 survivor<sup>2</sup>. All public members shall <sup>2</sup>have experience with,<sup>2</sup>  
37 possess a background in, or <sup>2</sup>**“have”** demonstrate a<sup>2</sup> specialized  
38 knowledge of, the legal, policy, educational, social, or  
39 psychological aspects of human trafficking.

40 b. (1) Of the public members first appointed:

41 (a) the following shall serve for a term of three years: one  
42 member appointed upon the recommendation of the Senate  
43 President; one member appointed upon the recommendation of the

**EXPLANATION** – Matter enclosed in bold-faced brackets **“thus”** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted December 17, 2012.

<sup>2</sup>Senate SBA committee amendments adopted March 4, 2013.

1 Speaker of the General Assembly; and <sup>1</sup>~~three~~ two<sup>1</sup> members  
2 appointed by the Governor; and

3 (b) the following shall serve for a term of two years: one member  
4 appointed upon the recommendation of the Senate President; one  
5 member appointed upon the recommendation of the Speaker of the  
6 General Assembly; each member appointed <sup>1</sup>~~by~~ upon the  
7 recommendation of<sup>1</sup> the Senate and Assembly Minority Leaders;  
8 and two members appointed by the Governor.

9 (c) Upon the conclusion of the initial terms, each public member  
10 shall be appointed for a term of three years.

11 (2) Each member appointed shall hold office for the term of  
12 appointment and until a successor shall have been appointed and  
13 qualified.

14 (3) Any vacancy in the membership of the commission shall be  
15 filled by appointment in the same manner as the original  
16 appointment was made.

17 c. (1) The commission shall organize upon the appointment of  
18 a majority of its authorized membership. The members shall elect  
19 one of the members to serve as chair and vice-chair, and the chair  
20 may appoint a secretary, who need not be a member of the  
21 commission.

22 (2) The commission shall meet at those times and places within  
23 the State of New Jersey as the commission shall determine. A  
24 majority of the commission's authorized membership shall  
25 constitute a quorum for the transaction of any business, for the  
26 performance of any duty, or for the exercise of any power of the  
27 commission.

28 d. The members of the commission shall serve without  
29 compensation, but shall be eligible for reimbursement for necessary  
30 and reasonable expenses incurred in the performance of their  
31 official duties within the limits of funds appropriated or otherwise  
32 made available to the commission for its purposes.

33 e. The <sup>1</sup>~~commission~~ shall be entitled to accept the assistance  
34 and services of the employees of any State, county, or municipal  
35 department, board, bureau, commission, or agency as may be made  
36 available to it and to employ Division of Criminal Justice in the  
37 Department of Law and Public Safety shall, at the direction of the  
38 Attorney General, provide<sup>1</sup> legal, stenographic, technical, <sup>1</sup>~~and~~<sup>1</sup>  
39 clerical <sup>1</sup>, and other staff and resource<sup>1</sup> assistance <sup>1</sup>to the  
40 commission,<sup>1</sup> and <sup>1</sup>additionally the commission may<sup>1</sup> incur  
41 expenses as may be necessary in order to perform its duties within  
42 the limits of funds appropriated or otherwise made available to it  
43 for its purposes.

44 f. It shall be the duty of the commission to:

45 (1) Evaluate the existing law concerning human trafficking and  
46 the enforcement thereof, and to make recommendations for  
47 legislation, if appropriate;

1 (2) Review existing victim assistance programs and analyze the  
 2 costs, organization, and availability of these services for victims of  
 3 human trafficking and to make recommendations for legislation, if  
 4 appropriate;

5 (3) Promote a coordinated response by public and private  
 6 resources for victims of human trafficking; <sup>1</sup>and<sup>1</sup>

7 (4) Develop mechanisms to promote public awareness of human  
 8 trafficking <sup>1</sup>]; and

9 (5) Administer and make expenditures from the “Human  
 10 Trafficking Survivor’s Assistance Fund” established under section 2  
 11 of P.L. , c. (C. ), for the provision of services to victims of  
 12 human trafficking, to promote awareness of human trafficking, and  
 13 the development, establishment, operation, and maintenance of the  
 14 “John School Diversion Program” created pursuant to section 10 of  
 15 P.L. , c. (C. ) (pending before the Legislature as this bill).

16 The commission shall adopt, pursuant to the “Administrative  
 17 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
 18 regulations necessary to implement the duties and purposes of the  
 19 commission provided in this section] , including <sup>2</sup>[the]<sup>2</sup> promotion  
 20 of <sup>2</sup>[a] the national, <sup>2</sup> 24-hour toll-free hotline telephone service on  
 21 human trafficking <sup>2</sup>[established] described<sup>2</sup> under section 18 of  
 22 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 23 and the promotion of training courses and other educational  
 24 materials for use by persons required under section 19 of P.L. ,  
 25 c. (C. ) (pending before the Legislature as this bill) to undergo  
 26 training on the handling of and response procedures for suspected  
 27 human trafficking activities<sup>1</sup>.

28 g. The commission shall report annually to the Governor and  
 29 to the Legislature, pursuant to section 2 of P.L.1991, c.164  
 30 (C.52:14-19.1), its activities, as well as its findings and  
 31 recommendations for any needed new services or resources for  
 32 victims of human trafficking, and any proposed changes to the  
 33 current law concerning human trafficking.

34

35 2. (New section) <sup>1</sup>a.<sup>1</sup> There is established the “Human  
 36 Trafficking Survivor’s Assistance Fund” as a separate, non-lapsing,  
 37 dedicated fund in the General Fund, which shall be administered by  
 38 the <sup>1</sup>[Commission on Human Trafficking created by section 1 of  
 39 P.L. , c. (C. ) (pending before the Legislature as this bill)]  
 40 Attorney General<sup>1</sup>. All monies deposited in the fund pursuant to  
 41 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 42 any other enactment, or as otherwise provided from any public or  
 43 private source shall be used for the provision of services to victims  
 44 of human trafficking, to promote awareness of human trafficking,  
 45 and <sup>1</sup>[the development, establishment, operation, and maintenance  
 46 of the “John School Diversion Program” created pursuant to section  
 47 10 of P.L. , c. (C. ) (pending before the Legislature as this

1 bill)] the development, maintenance, revision, and distribution of  
 2 training course and other educational materials <sup>2</sup>, and the operation  
 3 of educational or training programs, <sup>2</sup> in accordance with sections 11  
 4 and 19 of P.L. , c. (C. ) (pending before the Legislature as  
 5 this bill). All expenditures from the fund shall be made by the  
 6 Attorney General, in consultation with the Commission on Human  
 7 Trafficking established by section 1 of P.L. , c. (C. )  
 8 (pending before the Legislature as this bill)<sup>1</sup>, and done so in  
 9 accordance with rules and regulations promulgated by the  
 10 <sup>1</sup>commission pursuant to subsection f. of section 1 of P.L. ,  
 11 c. (C. ) (pending before the Legislature as this bill)] Attorney  
 12 General<sup>1</sup> and other applicable law.

13 <sup>1</sup>b. Receipt of expenditures from the fund <sup>2</sup>by any provider of  
 14 services to victims of human trafficking<sup>2</sup> shall not be based or  
 15 otherwise conditioned upon the previous, present, or future  
 16 cooperation of the recipient regarding any law enforcement  
 17 investigation or prosecution, or lack thereof.<sup>1</sup>

18  
 19 3. Section 1 of P.L.2005, c.77 (C.2C:13-8) is amended to read  
 20 as follows:

21 1. Human trafficking. a. A person commits the crime of human  
 22 trafficking if he:

23 (1) knowingly holds, recruits, lures, entices, harbors, transports,  
 24 provides or obtains, by any means, another, to engage in sexual  
 25 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-  
 26 1 or to provide labor or services:

27 (a) by <sup>2</sup>threats or incidents of causing or threatening to cause<sup>2</sup>  
 28 serious bodily harm [or] <sup>2</sup>[,] or<sup>2</sup> physical restraint <sup>2</sup>[, or  
 29 abduction]<sup>2</sup> against the person or any other person;

30 (b) by means of any scheme, <sup>2</sup>[fraud, deceit or other  
 31 deception,]<sup>2</sup> plan, or pattern intended to cause the person to  
 32 believe that the person or any other person would suffer serious  
 33 bodily harm or physical restraint;

34 (c) by committing a violation of N.J.S.2C:13-5 <sup>2</sup>[involving  
 35 coercion]<sup>2</sup> against the person; [or]

36 (d) by destroying, concealing, removing, confiscating, or  
 37 possessing any passport, immigration-related document as defined  
 38 in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document  
 39 issued by a governmental agency to any person which could be used  
 40 as a means of verifying the person's identity or age or any other  
 41 personal identifying information; <sup>2</sup>[or]<sup>2</sup>

42 (e) by means of the abuse <sup>2</sup>[of power]<sup>2</sup> or threatened abuse  
 43 <sup>2</sup>[of power]<sup>2</sup> of the law or legal process; <sup>2</sup>[or]

44 (f) by means of fraud, deceit, or misrepresentation against the  
 45 person; or

1       (g) by facilitating access to a controlled dangerous substance or  
2 controlled substance analog as set forth in chapter 35 of Title 2C of  
3 the New Jersey Statutes; or<sup>2</sup>

4       (2) receives anything of value from participation as an  
5 organizer, supervisor, financier or manager in a scheme or course of  
6 conduct which violates paragraph (1) of this subsection; or

7       (3) <sup>2</sup>[as a licensed owner or driver of an autocab, limousine,  
8 autobus, or any other passenger automobile as defined in R.S.39:1-1  
9 that is subject to regulation under chapter 16 of Title 48 of the  
10 Revised Statutes, <sup>1</sup>[negligently] recklessly<sup>1</sup> participates in the  
11 transportation of another which violates paragraph (1) or (2) of this  
12 subsection; or

13       (4) otherwise being a professionally licensed person,  
14 <sup>1</sup>[negligently] recklessly<sup>1</sup> permits an act of human trafficking  
15 described in paragraph (1) or (2) of this subsection, on, within, or  
16 using the person's property or services. For purposes of this  
17 paragraph, "professionally licensed person" means any person  
18 required by law to obtain, from a governmental department, agency,  
19 board, or commission of the State or any political subdivision of the  
20 State, a license, permit, certificate, approval, registration, charter, or  
21 similar form of business or professional authorization in order to  
22 operate a business or as a professional in this State.

23       <sup>1</sup>With respect to the amendatory provisions set forth in this  
24 subsection by the enactment of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
25 before the Legislature as this bill), in addition to these provisions  
26 only being applicable to criminal acts of human trafficking  
27 occurring on or after the effective date for these amendatory  
28 provisions, consistent with constitutional and statutory principles  
29 governing application of the Criminal Code, the provisions set forth  
30 in this subsection immediately prior to the enactment of P.L. \_\_\_\_\_,  
31 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), as then  
32 interpreted and applied by law enforcement officers, prosecutors,  
33 and the courts, shall continue to be interpreted and applied by law  
34 enforcement officers, prosecutors, and the courts with respect to  
35 any prosecution for a criminal act of human trafficking that  
36 occurred prior to the enactment of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
37 before the Legislature as this bill), without regard, reference, or  
38 comparison to the amendatory provisions set forth in this  
39 subsection.<sup>1</sup>] knowingly holds, recruits, lures, entices, harbors,  
40 transports, provides or obtains, by any means, a child under 18  
41 years of age, to engage in sexual activity as defined in paragraph (2)  
42 of subsection a. of N.J.S.2C:34-1, whether or not the actor  
43 mistakenly believed that the child was 18 years of age or older,  
44 even if that mistaken belief was reasonable.<sup>2</sup>

45       b. An offense under this section constitutes a crime of the first  
46 degree <sup>2</sup>[, except that an offense under paragraph (3) or (4) of

1 subsection a. of this section concerning criminal <sup>1</sup>【negligence】  
2 recklessness<sup>1</sup> constitutes a crime of the fourth degree】<sup>2</sup>.

3 c. It is an affirmative defense to prosecution for a violation of  
4 this section that, during the time of the alleged commission of the  
5 offense of human trafficking created by this section, the defendant  
6 was a victim of human trafficking.

7 d. <sup>2</sup>【(1)】<sup>2</sup> Notwithstanding the provisions of N.J.S.2C:43-6, the  
8 term of imprisonment imposed for a crime of the first degree under  
9 paragraph (2) <sup>2</sup>or (3)<sup>2</sup> of subsection a. of this section shall be either  
10 a term of 20 years during which the actor shall not be eligible for  
11 parole, or a specific term between 20 years and life imprisonment,  
12 of which the actor shall serve 20 years before being eligible for  
13 parole. Notwithstanding the provisions of N.J.S.2C:43-3, the  
14 <sup>1</sup>sentence for a conviction for a crime of the first degree under this  
15 section shall include a<sup>1</sup> fine <sup>1</sup>【imposed for a crime of the first  
16 degree under this section shall be a fine of at least】 in an amount of  
17 not less than<sup>1</sup> \$25,000, which shall be collected as provided for the  
18 collection of fines and restitutions in section 3 of P.L.1979, c.396  
19 (C.2C:46-4) and forwarded to the Department of the Treasury to be  
20 deposited in the “Human Trafficking Survivor’s Assistance Fund”  
21 established by section 2 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill).

23 <sup>2</sup>【(2) Notwithstanding the provisions of N.J.S.2C:43-3, the fine  
24 imposed for a crime of the fourth degree under paragraph (3) or (4)  
25 of subsection a. of this section concerning criminal <sup>1</sup>【negligence】  
26 recklessness<sup>1</sup> shall be a fine of up to \$25,000, which shall be  
27 collected as provided for the collection of fines and restitutions in  
28 section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the  
29 Department of the Treasury to be deposited in the “Human  
30 Trafficking Survivor’s Assistance Fund” established by section 2 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).  
32 Additionally, upon conviction for this crime, the court shall revoke  
33 any license, permit, certificate, approval, registration, charter, or  
34 similar form of business or professional authorization required by  
35 law concerning the operation of that person’s business or  
36 profession.】<sup>2</sup>

37 e. In addition to any other disposition authorized by law, any  
38 person who violates the provisions of this section <sup>2</sup>【, other than a  
39 violation of paragraph (3) or (4) of subsection a. of this section  
40 concerning criminal <sup>1</sup>【negligence】 recklessness<sup>1</sup>.】<sup>2</sup> shall be  
41 <sup>1</sup>【sentenced】 ordered<sup>1</sup> to make restitution to any victim. The court  
42 shall award to the victim restitution which is the greater of:

43 (1) the gross income or value to the defendant of the victim's  
44 labor or services; or

45 (2) the value of the victim's labor or services as determined by  
46 the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-

56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law.  
(cf: P.L.2005, c.77, s.1)

4. (New section) a. Any person injured, including <sup>1</sup>injury<sup>1</sup> due to the loss of moneys or property, real or personal, <sup>2</sup>as a result of a violation of the <sup>2</sup>by an actor and all those acting in concert with that actor who committed a<sup>2</sup> human trafficking <sup>2</sup>provisions set forth<sup>2</sup> offense<sup>2</sup> in <sup>2</sup>violation of<sup>2</sup> section 1 of P.L.2005, c.77 (C.2C:13-8) <sup>2</sup>or section 5 of P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> may bring a civil action in any court of competent jurisdiction <sup>2</sup>against the actor and all those acting in concern with that actor<sup>2</sup>. A civil action brought under this section shall not preclude the application of any other civil, administrative, or criminal remedy under any other provision of law.

b. (1) The standard of proof in a civil action brought pursuant to this section is a preponderance of the evidence, and the fact that a prosecution <sup>2</sup>for human trafficking under section 1 of P.L.2005, c.77 (C.2C:13-8)<sup>2</sup> against the offending actor<sup>2</sup> is not instituted or, whenever instituted, terminates without a conviction, shall not preclude a civil action.

(2) A final judgment rendered in favor of the State in any criminal proceeding shall estop the defendant from denying the same conduct in any civil action brought pursuant to this section.

c. In any civil action brought pursuant to this section, the court shall, in addition to any other appropriate legal or equitable relief, <sup>1</sup>including damages for pain and suffering, recovery of reasonable costs for necessary medical, dental, and psychological services and punitive damages,<sup>1</sup> award damages in an amount that is the greater of:

(1) the gross income or value to the defendant of the injured party's labor or services; or

(2) the value of the injured party's labor or services as determined by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law.



1 <sup>1</sup>d. In addition to any damages, penalty, injunction, or other  
2 appropriate relief awarded in an action brought pursuant to this  
3 section, the court may award to the injured person bringing suit  
4 reasonable attorney's fees and costs.<sup>1</sup>

5  
6 <sup>2</sup>[5.(New section) a. (1) A person who knowingly owns,  
7 controls, manages, supervises, or otherwise keeps, alone or in  
8 association with another, any premises where human trafficking is  
9 regularly carried on is guilty of a crime of the first degree.

10 (2) A person who knowingly leases or otherwise permits any  
11 premises controlled by the actor, alone or in association with others,  
12 to be regularly used for human trafficking, or fails to make a  
13 reasonable effort to abate this use by ejecting the tenant, notifying  
14 law enforcement authorities, or employing other legally available  
15 means, is guilty of a crime of the first degree.

16 (3) As used in this section "premises" includes, but is not limited  
17 to, any residence, apartment, hotel, motel, inn, rooming house,  
18 boarding house, or other establishment for lodging.

19 b. Notwithstanding the provisions of N.J.S.2C:43-3, the fine  
20 imposed for an offense under this section shall be a fine of at least  
21 \$25,000, which shall be collected as provided for the collection of  
22 finances and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4)  
23 and forwarded to the Department of the Treasury to be deposited in  
24 the "Human Trafficking Survivor's Assistance Fund" established by  
25 section 2 of P.L. , c. (C. ) (pending before the Legislature as  
26 this bill).<sup>2</sup>

27  
28 <sup>2</sup>[<sup>1</sup>6.] 5.<sup>2</sup> (New section) a. A person commits a crime of the  
29 second degree if he:

30 (1) provides services, resources, or assistance with the  
31 knowledge that the services, resources, or assistance are intended to  
32 be used in furtherance of the commission of the crime of human  
33 trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8).

34 <sup>2</sup>(a)<sup>2</sup> For purposes of this paragraph, "services, resources, or  
35 assistance" shall include financial support, business services,  
36 lodging, transportation, the provision of false documentation or  
37 identification, equipment, facilities, or any other service or property  
38 with a pecuniary value that exceeds \$200, whether or not a person is  
39 compensated for the services, resources, or assistance, but shall not  
40 include humanitarian or charitable aid or services provided directly  
41 to a victim of human trafficking<sup>2</sup>.

42 (b) For purposes of this paragraph, the requisite knowledge that  
43 services, resources, or assistance are intended to be used in  
44 furtherance of the commission of the crime of human trafficking  
45 may be inferred if the defendant was aware that a person to whom  
46 the defendant was providing services, resources, or assistance: (i)  
47 was subject to or subjected another to restrictions on the person's

1 freedom of movement, so that the person could not leave without  
2 accompaniment of another person or was otherwise subjected to  
3 obvious restrictions on mobility; or (ii) did not possess or have  
4 access to any means of communication, including but not limited to  
5 a cellular or other wireless telephone or other electronic  
6 communication device, and was not permitted or was otherwise  
7 unable to communicate with another person without supervision or  
8 permission<sup>2</sup>; or

9 (2) procures or attempts to procure a person to engage in sexual  
10 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-  
11 1, or to provide labor or services, whether for himself or another  
12 person, knowing that the person provided or to be provided was a  
13 victim of human trafficking, or under circumstances in which a  
14 reasonable person would conclude that there was a substantial  
15 likelihood that the person was a victim of human trafficking.

16 <sup>2</sup>(a) For purposes of this paragraph, there shall be a rebuttable  
17 presumption that the defendant knew, and that a reasonable person  
18 would conclude there was a substantial likelihood, that a person was  
19 a victim of human trafficking if the person: (i) could not leave the  
20 premises where the person provided labor or services without  
21 accompaniment of another person or was otherwise subjected to  
22 significant restrictions on the person's freedom of movement; or (ii)  
23 did not possess or have access to any means of communication,  
24 including but not limited to a cellular or other wireless telephone or  
25 other electronic communication device, and was not permitted or  
26 was otherwise unable to communicate with another person without  
27 supervision or permission.

28 (b)<sup>2</sup> For the purposes of this paragraph, there shall be a  
29 rebuttable presumption that: <sup>2</sup>[(a)] (i)<sup>2</sup> a person knew that a child  
30 under the age of 18 years of age procured to engage in sexual  
31 activity or for whom attempts were made to procure for that activity  
32 was a victim of human trafficking; and <sup>2</sup>[(b)] (ii)<sup>2</sup> a reasonable  
33 person would conclude that there was a substantial likelihood that a  
34 child under the age of 18 years of age procured to engage in sexual  
35 activity or for whom attempts were made to procure for that activity  
36 was a victim of human trafficking.

37 b. (1) It is an affirmative defense to prosecution for a violation  
38 of this section that, during the time of the alleged commission of the  
39 crime, the defendant was a victim of human trafficking.

40 (2) There shall be a rebuttable presumption that a child under the  
41 age of 18 years of age charged with a violation of this section was a  
42 victim of human trafficking.

43 c. (1) Notwithstanding any provision of law to the contrary, a  
44 person convicted for a violation of this section shall be sentenced to  
45 a term of imprisonment, which shall include a period of parole  
46 ineligibility of one-third to one-half of the term of imprisonment  
47 imposed or three years, whichever is greater. Notwithstanding the

1 provisions of N.J.S.2C:43-3, the sentence for a conviction under  
2 this section shall include a fine in an amount of not less than  
3 \$15,000, which shall be collected as provided for the collection of  
4 finances and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4)  
5 and forwarded to the Department of the Treasury to be deposited in  
6 the “Human Trafficking Survivor’s Assistance Fund” established by  
7 section 2 of P.L. , c. (C. ) (pending before the Legislature as  
8 this bill).

9 (2) Additionally, upon a finding of guilt or entry of a guilty plea  
10 for a crime described under this section, the court shall direct any  
11 issuing State, county, or municipal governmental agency to revoke  
12 any license, permit, certificate, approval, registration, charter, or  
13 similar form of business or professional authorization required by  
14 law concerning the operation of that person’s business or  
15 profession, if that business or profession was used in the course of  
16 the crime.

17 d. Nothing in this section shall be construed to preclude, or  
18 limit in any way, the prosecution and conviction for any other  
19 offense, including prosecution and conviction pursuant to section 1  
20 of P.L.2005, c.77 (C.2C:13-8), human trafficking, N.J.S.2C:34-1,  
21 prostitution and related offenses, and N.J.S.2C:2-6, liability for  
22 another’s conduct.<sup>1</sup>

23  
24 <sup>2</sup>6. N.J.S.2C:5-4 is amended to read as follows:

25 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation  
26 in Cases of Lesser Danger. a. Grading. Except as provided in  
27 subsections c. **and**, d., and e., an attempt or conspiracy to commit  
28 a crime of the first degree is a crime of the second degree; except  
29 that an attempt or conspiracy to commit murder or terrorism is a  
30 crime of the first degree, provided, however, that if the person  
31 attempted or conspired to murder five or more persons, the person  
32 shall be sentenced by the court to a term of 30 years, during which  
33 the person shall not be eligible for parole, or to a specific term of  
34 years which shall be between 30 years and life imprisonment, of  
35 which the person shall serve not less than 30 years before eligibility  
36 for parole. Otherwise an attempt is a crime of the same degree as  
37 the most serious crime which is attempted, and conspiracy is a  
38 crime of the same degree as the most serious crime which is the  
39 object of the conspiracy; provided that, leader of organized crime is  
40 a crime of the second degree. An attempt or conspiracy to commit  
41 an offense defined by a statute outside the code shall be graded as a  
42 crime of the same degree as the offense is graded pursuant to  
43 N.J.S.2C:1-4 and N.J.S.2C:43-1.

44 b. Mitigation. The court may impose sentence for a crime of a  
45 lower grade or degree if neither the particular conduct charged nor  
46 the defendant presents a public danger warranting the grading  
47 provided for such crime under subsection a. because:

1 (1) The criminal attempt or conspiracy charged is so inherently  
2 unlikely to result or culminate in the commission of a crime; or

3 (2) The conspiracy, as to the particular defendant charged, is so  
4 peripherally related to the main unlawful enterprise.

5 c. Notwithstanding the provisions of subsection a. of this  
6 section, conspiracy to commit a crime set forth in subsection a., b.,  
7 or d. of N.J.S.2C:17-1 where the structure which was the target of  
8 the crime was a church, synagogue, temple or other place of public  
9 worship is a crime of the first degree.

10 d. Notwithstanding the provisions of subsection a. of this  
11 section, conspiracy to commit a crime as set forth in P.L.1994,  
12 c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most  
13 serious crime that was conspired to be committed.

14 e. Notwithstanding the provisions of subsection a. of this  
15 section, conspiracy to commit a crime of human trafficking as set  
16 forth in section 1 of P.L.2005, c.77 (C.2C:13-8) is a crime of the  
17 first degree.<sup>2</sup>

18 (cf: P.L.2002, c.26, s.9)

19

20 <sup>1</sup>**[6.] 7.**<sup>1</sup> Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended  
21 to read as follows:

22 2. No lessee or tenant or the assigns, under-tenants or legal  
23 representatives of such lessee or tenant may be removed by the  
24 Superior Court from any house, building, mobile home or land in a  
25 mobile home park or tenement leased for residential purposes, other  
26 than (1) owner-occupied premises with not more than two rental  
27 units or a hotel, motel or other guest house or part thereof rented to  
28 a transient guest or seasonal tenant; (2) a dwelling unit which is  
29 held in trust on behalf of a member of the immediate family of the  
30 person or persons establishing the trust, provided that the member  
31 of the immediate family on whose behalf the trust is established  
32 permanently occupies the unit; and (3) a dwelling unit which is  
33 permanently occupied by a member of the immediate family of the  
34 owner of that unit, provided, however, that exception (2) or (3) shall  
35 apply only in cases in which the member of the immediate family  
36 has a developmental disability, except upon establishment of one of  
37 the following grounds as good cause:

38 a. The person fails to pay rent due and owing under the lease  
39 whether the same be oral or written; provided that, for the purposes  
40 of this section, any portion of rent unpaid by a tenant to a landlord  
41 but utilized by the tenant to continue utility service to the rental  
42 premises after receiving notice from an electric, gas, water or sewer  
43 public utility that such service was in danger of discontinuance  
44 based on nonpayment by the landlord, shall not be deemed to be  
45 unpaid rent.

46 b. The person has continued to be, after written notice to cease,  
47 so disorderly as to destroy the peace and quiet of the occupants or  
48 other tenants living in said house or neighborhood.

1       c. The person has willfully or by reason of gross negligence  
2 caused or allowed destruction, damage or injury to the premises.

3       d. The person has continued, after written notice to cease, to  
4 substantially violate or breach any of the landlord's rules and  
5 regulations governing said premises, provided such rules and  
6 regulations are reasonable and have been accepted in writing by the  
7 tenant or made a part of the lease at the beginning of the lease term.

8       e. (1) The person has continued, after written notice to cease, to  
9 substantially violate or breach any of the covenants or agreements  
10 contained in the lease for the premises where a right of reentry is  
11 reserved to the landlord in the lease for a violation of such covenant  
12 or agreement, provided that such covenant or agreement is  
13 reasonable and was contained in the lease at the beginning of the  
14 lease term.

15       (2) In public housing under the control of a public housing  
16 authority or redevelopment agency, the person has substantially  
17 violated or breached any of the covenants or agreements contained  
18 in the lease for the premises pertaining to illegal uses of controlled  
19 dangerous substances, or other illegal activities, whether or not a  
20 right of reentry is reserved to the landlord in the lease for a  
21 violation of such covenant or agreement, provided that such  
22 covenant or agreement conforms to federal guidelines regarding  
23 such lease provisions and was contained in the lease at the  
24 beginning of the lease term.

25       f. The person has failed to pay rent after a valid notice to quit  
26 and notice of increase of said rent, provided the increase in rent is  
27 not unconscionable and complies with any and all other laws or  
28 municipal ordinances governing rent increases.

29       g. The landlord or owner (1) seeks to permanently board up or  
30 demolish the premises because he has been cited by local or State  
31 housing inspectors for substantial violations affecting the health and  
32 safety of tenants and it is economically unfeasible for the owner to  
33 eliminate the violations; (2) seeks to comply with local or State  
34 housing inspectors who have cited him for substantial violations  
35 affecting the health and safety of tenants and it is unfeasible to so  
36 comply without removing the tenant; simultaneously with service of  
37 notice of eviction pursuant to this clause, the landlord shall notify  
38 the Department of Community Affairs of the intention to institute  
39 proceedings and shall provide the department with such other  
40 information as it may require pursuant to rules and regulations. The  
41 department shall inform all parties and the court of its view with  
42 respect to the feasibility of compliance without removal of the  
43 tenant and may in its discretion appear and present evidence; (3)  
44 seeks to correct an illegal occupancy because he has been cited by  
45 local or State housing inspectors or zoning officers and it is  
46 unfeasible to correct such illegal occupancy without removing the  
47 tenant; or (4) is a governmental agency which seeks to permanently  
48 retire the premises from the rental market pursuant to a

1 redevelopment or land clearance plan in a blighted area. In those  
2 cases where the tenant is being removed for any reason specified in  
3 this subsection, no warrant for possession shall be issued until  
4 P.L.1967, c.79 (C.52:31B-1 et seq.) and P.L.1971, c.362 (C.20:4-1  
5 et seq.) have been complied with.

6 h. The owner seeks to retire permanently the residential  
7 building or the mobile home park from residential use or use as a  
8 mobile home park, provided this subsection shall not apply to  
9 circumstances covered under subsection g. of this section.

10 i. The landlord or owner proposes, at the termination of a  
11 lease, reasonable changes of substance in the terms and conditions  
12 of the lease, including specifically any change in the term thereof,  
13 which the tenant, after written notice, refuses to accept; provided  
14 that in cases where a tenant has received a notice of termination  
15 pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-  
16 61.2), or has a protected tenancy status pursuant to **[section 9 of]**  
17 the "Senior Citizens and Disabled Protected Tenancy Act,"  
18 P.L.1981, c.226 **[(C.2A:18-61.30)]** (C.2A:18-61.22 'et al.' ) or  
19 pursuant to the "Tenant Protection Act of 1992," P.L.1991, c.509  
20 (C.2A:18-61.40 et al.), the landlord or owner shall have the burden  
21 of proving that any change in the terms and conditions of the lease,  
22 rental or regulations both is reasonable and does not substantially  
23 reduce the rights and privileges to which the tenant was entitled  
24 prior to the conversion.

25 j. The person, after written notice to cease, has habitually and  
26 without legal justification failed to pay rent which is due and owing.

27 k. The landlord or owner of the building or mobile home park  
28 is converting from the rental market to a condominium, cooperative  
29 or fee simple ownership of two or more dwelling units or park sites,  
30 except as hereinafter provided in subsection l. of this section.  
31 Where the tenant is being removed pursuant to this subsection, no  
32 warrant for possession shall be issued until this act has been  
33 complied with. No action for possession shall be brought pursuant  
34 to this subsection against a senior citizen tenant or disabled tenant  
35 with protected tenancy status pursuant to the "Senior Citizens and  
36 Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22  
37 et al.), or against a qualified tenant under the "Tenant Protection  
38 Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), as long as the  
39 agency has not terminated the protected tenancy status or the  
40 protected tenancy period has not expired.

41 l. (1) The owner of a building or mobile home park, which is  
42 constructed as or being converted to a condominium, cooperative or  
43 fee simple ownership, seeks to evict a tenant or sublessee whose  
44 initial tenancy began after the master deed, agreement establishing  
45 the cooperative or subdivision plat was recorded, because the owner  
46 has contracted to sell the unit to a buyer who seeks to personally  
47 occupy it and the contract for sale calls for the unit to be vacant at  
48 the time of closing. However, no action shall be brought against a

1 tenant under paragraph (1) of this subsection unless the tenant was  
2 given a statement in accordance with section 6 of P.L.1975, c.311  
3 (C.2A:18-61.9);

4 (2) The owner of three or less condominium or cooperative units  
5 seeks to evict a tenant whose initial tenancy began by rental from an  
6 owner of three or less units after the master deed or agreement  
7 establishing the cooperative was recorded, because the owner seeks  
8 to personally occupy the unit, or has contracted to sell the unit to a  
9 buyer who seeks to personally occupy it and the contract for sale  
10 calls for the unit to be vacant at the time of closing;

11 (3) The owner of a building of three residential units or less  
12 seeks to personally occupy a unit, or has contracted to sell the  
13 residential unit to a buyer who wishes to personally occupy it and  
14 the contract for sale calls for the unit to be vacant at the time of  
15 closing.

16 m. The landlord or owner conditioned the tenancy upon and in  
17 consideration for the tenant's employment by the landlord or owner  
18 as superintendent, janitor or in some other capacity and such  
19 employment is being terminated.

20 n. The person has been convicted of or pleaded guilty to, or if a  
21 juvenile, has been adjudicated delinquent on the basis of an act  
22 which if committed by an adult would constitute an offense under  
23 the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et  
24 al., involving the use, possession, manufacture, dispensing or  
25 distribution of a controlled dangerous substance, controlled  
26 dangerous substance analog or drug paraphernalia within the  
27 meaning of that act within or upon the leased premises or the  
28 building or complex of buildings and land appurtenant thereto, or  
29 the mobile home park, in which those premises are located, and has  
30 not in connection with his sentence for that offense either (1)  
31 successfully completed or (2) been admitted to and continued upon  
32 probation while completing, a drug rehabilitation program pursuant  
33 to N.J.S.2C:35-14; or, being the tenant or lessee of such leased  
34 premises, knowingly harbors or harbored therein a person who has  
35 been so convicted or has so pleaded, or otherwise permits or  
36 permitted such a person to occupy those premises for residential  
37 purposes, whether continuously or intermittently, except that this  
38 subsection shall not apply to a person harboring or permitting a  
39 juvenile to occupy the premises if the juvenile has been adjudicated  
40 delinquent upon the basis of an act which if committed by an adult  
41 would constitute the offense of use or possession under the said act.  
42 No action for removal may be brought pursuant to this subsection  
43 more than two years after the date of the adjudication or conviction  
44 or more than two years after the person's release from incarceration  
45 whichever is the later.

46 o. The person has been convicted of or pleaded guilty to, or if a  
47 juvenile, has been adjudicated delinquent on the basis of an act  
48 which if committed by an adult would constitute an offense under

1 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic  
2 threats against the landlord, a member of the landlord's family or an  
3 employee of the landlord; or, being the tenant or lessee of such  
4 leased premises, knowingly harbors or harbored therein a person  
5 who has been so convicted or has so pleaded, or otherwise permits  
6 or permitted such a person to occupy those premises for residential  
7 purposes, whether continuously or intermittently. No action for  
8 removal may be brought pursuant to this subsection more than two  
9 years after the adjudication or conviction or more than two years  
10 after the person's release from incarceration whichever is the later.

11 p. The person has been found, by a preponderance of the  
12 evidence, liable in a civil action for removal commenced under this  
13 act for an offense under N.J.S.2C:20-1 et al. involving theft of  
14 property located on the leased premises from the landlord, the  
15 leased premises or other tenants residing in the leased premises, or  
16 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic  
17 threats against the landlord, a member of the landlord's family or an  
18 employee of the landlord, or under the "Comprehensive Drug  
19 Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use,  
20 possession, manufacture, dispensing or distribution of a controlled  
21 dangerous substance, controlled dangerous substance analog or drug  
22 paraphernalia within the meaning of that act within or upon the  
23 leased premises or the building or complex of buildings and land  
24 appurtenant thereto, or the mobile home park, in which those  
25 premises are located, and has not in connection with his sentence  
26 for that offense either (1) successfully completed or (2) been  
27 admitted to and continued upon probation while completing a drug  
28 rehabilitation program pursuant to N.J.S.2C:35-14; or, being the  
29 tenant or lessee of such leased premises, knowingly harbors or  
30 harbored therein a person who committed such an offense, or  
31 otherwise permits or permitted such a person to occupy those  
32 premises for residential purposes, whether continuously or  
33 intermittently, except that this subsection shall not apply to a person  
34 who harbors or permits a juvenile to occupy the premises if the  
35 juvenile has been adjudicated delinquent upon the basis of an act  
36 which if committed by an adult would constitute the offense of use  
37 or possession under the said "Comprehensive Drug Reform Act of  
38 1987."

39 q. The person has been convicted of or pleaded guilty to, or if a  
40 juvenile, has been adjudicated delinquent on the basis of an act  
41 which if committed by an adult would constitute an offense under  
42 N.J.S.2C:20-1 et al. involving theft of property from the landlord,  
43 the leased premises or other tenants residing in the same building or  
44 complex; or, being the tenant or lessee of such leased premises,  
45 knowingly harbors therein a person who has been so convicted or  
46 has so pleaded, or otherwise permits such a person to occupy those  
47 premises for residential purposes, whether continuously or  
48 intermittently.



1        r. The person <sup>1</sup>["has been convicted of or pleaded guilty to, or if  
 2 a juvenile, has been adjudicated delinquent on the basis of an act  
 3 which if"] is found in a civil action, by a preponderance of the  
 4 evidence, to have<sup>1</sup> committed <sup>1</sup>["by an adult would constitute the  
 5 crime"] a violation<sup>1</sup> of <sup>1</sup>"the" human trafficking <sup>1</sup>["under]  
 6 <sup>2</sup>["provision"] provisions<sup>2</sup> set forth in<sup>1</sup> section 1 of P.L.2005, c.77  
 7 (C.2C:13-8) within or upon the leased premises or the building or  
 8 complex of buildings and land appurtenant thereto, or the mobile  
 9 home park, in which those premises are located; or, being the tenant  
 10 or lessee of such leased premises, knowingly harbors or harbored  
 11 therein a person who has been <sup>1</sup>["so convicted or has so pleaded]  
 12 engaged in human trafficking<sup>1</sup> , or otherwise permits or permitted  
 13 such a person to occupy those premises for residential purposes,  
 14 whether continuously or intermittently. No action for removal may  
 15 be brought pursuant to this subsection more than two years after  
 16 <sup>1</sup>["the date of the adjudication or conviction or more than two years  
 17 after the person's release from incarceration whichever is the later]  
 18 the alleged violation has terminated. A criminal conviction or a  
 19 guilty plea to a crime of human trafficking under section 1 of  
 20 P.L.2005, c.77 (C.2C:13-8) shall be considered prima facie  
 21 evidence of civil liability under this subsection<sup>1</sup> .

22        For purposes of this section, (1) "developmental disability"  
 23 means any disability which is defined as such pursuant to section 3  
 24 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate  
 25 family" means a person's spouse, parent, child or sibling, or a  
 26 spouse, parent, child or sibling of any of them; and (3)  
 27 "permanently" occupies or occupied means that the occupant  
 28 maintains no other domicile at which the occupant votes, pays rent  
 29 or property taxes or at which rent or property taxes are paid on the  
 30 occupant's behalf.

31 (cf: P.L.2000, c.113, s.3)

32  
 33        <sup>1</sup>["7.] 8.<sup>1</sup> Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended  
 34 to read as follows:

35        3. No judgment of possession shall be entered for any premises  
 36 covered by section 2 of this act, except in the nonpayment of rent  
 37 under subsection a. or f. of section 2, unless the landlord has made  
 38 written demand and given written notice for delivery of possession  
 39 of the premises. The following notice shall be required:

40        a. For an action alleging disorderly conduct under subsection b.  
 41 of section 2, or injury to the premises under subsection c. of section  
 42 2, or any grounds under subsection m., n., o. **["or"]** , p. , q., or r. of  
 43 section 2, three days' notice prior to the institution of the action for  
 44 possession;

45        b. For an action alleging continued violation of rules and  
 46 regulations under subsection d. of section 2, or substantial breach of  
 47 covenant under subsection e. of section 2, or habitual failure to pay

1 rent, one month's notice prior to the institution of the action for  
2 possession;

3 c. For an action alleging any grounds under subsection g. of  
4 section 2, three months' notice prior to the institution of the action;

5 d. For an action alleging permanent retirement under  
6 subsection h. of section 2, 18 months' notice prior to the institution  
7 of the action and, provided that, where there is a lease in effect, no  
8 action may be instituted until the lease expires;

9 e. For an action alleging refusal of acceptance of reasonable  
10 lease changes under subsection i. of section 2, one month's notice  
11 prior to institution of action;

12 f. For an action alleging any grounds under subsection l. of  
13 section 2, two months' notice prior to the institution of the action  
14 and, provided that where there is a written lease in effect no action  
15 shall be instituted until the lease expires;

16 g. For an action alleging any grounds under subsection k. of  
17 section 2, three years' notice prior to the institution of action, and  
18 provided that where there is a written lease in effect, no action shall  
19 be instituted until the lease expires;

20 h. In public housing under the control of a public housing  
21 authority or redevelopment agency, for an action alleging  
22 substantial breach of contract under paragraph (2) of subsection e.  
23 of section 2, the period of notice required prior to the institution of  
24 an action for possession shall be in accordance with federal  
25 regulations pertaining to public housing leases.

26 The notice in each of the foregoing instances shall specify in  
27 detail the cause of the termination of the tenancy and shall be  
28 served either personally upon the tenant or lessee or such person in  
29 possession by giving him a copy thereof, or by leaving a copy  
30 thereof at his usual place of abode with some member of his family  
31 above the age of 14 years, or by certified mail; if the certified letter  
32 is not claimed, notice shall be sent by regular mail.

33 (cf: P.L.1997, c.228, s.2)

34

35 **‘[8.] 9.’** N.J.S.2C:34-1 is amended to read as follows:

36 2C:34-1. Prostitution and Related Offenses.

37 a. As used in this section:

38 (1) "Prostitution" is sexual activity with another person in  
39 exchange for something of economic value, or the offer or  
40 acceptance of an offer to engage in sexual activity in exchange for  
41 something of economic value.

42 (2) "Sexual activity" includes, but is not limited to, sexual  
43 intercourse, including genital-genital, oral-genital, anal-genital, and  
44 oral-anal contact, whether between persons of the same or opposite  
45 sex; masturbation; touching of the genitals, buttocks, or female  
46 breasts; sadistic or masochistic abuse and other deviate sexual  
47 relations.

- 1 (3) "House of prostitution" is any place where prostitution or  
2 promotion of prostitution is regularly carried on by one person  
3 under the control, management or supervision of another.
- 4 (4) "Promoting prostitution" is:
- 5 (a) Owning, controlling, managing, supervising or otherwise  
6 keeping, alone or in association with another, a house of  
7 prostitution or a prostitution business;
- 8 (b) Procuring an inmate for a house of prostitution or place in a  
9 house of prostitution for one who would be an inmate;
- 10 (c) Encouraging, inducing, or otherwise purposely causing  
11 another to become or remain a prostitute;
- 12 (d) Soliciting a person to patronize a prostitute;
- 13 (e) Procuring a prostitute for a patron;
- 14 (f) Transporting a person into or within this State with purpose  
15 to promote that person's engaging in prostitution, or procuring or  
16 paying for transportation with that purpose; or
- 17 (g) Knowingly leasing or otherwise permitting a place  
18 controlled by the actor, alone or in association with others, to be  
19 regularly used for prostitution or promotion of prostitution, or  
20 failure to make a reasonable effort to abate such use by ejecting the  
21 tenant, notifying law enforcement authorities, or other legally  
22 available means.
- 23 b. A person commits an offense if:
- 24 (1) The actor engages in prostitution 'as a patron';
- 25 (2) The actor promotes prostitution;
- 26 (3) The actor knowingly promotes prostitution of a child under  
27 18 whether or not the actor mistakenly believed that the child was  
28 18 years of age or older, even if such mistaken belief was  
29 reasonable;
- 30 (4) The actor knowingly promotes prostitution of the actor's  
31 child, ward, or any other person for whose care the actor is  
32 responsible;
- 33 (5) The actor compels another to engage in or promote  
34 prostitution;
- 35 (6) The actor promotes prostitution of the actor's spouse; **'[or]'**
- 36 (7) The actor knowingly engages in prostitution with a person  
37 under the age of 18, or if the actor enters into or remains in a house  
38 of prostitution for the purpose of engaging in sexual activity with a  
39 child under the age of 18, or if the actor solicits or requests a child  
40 under the age of 18 to engage in sexual activity. It shall be no  
41 defense to a prosecution under this paragraph that the actor  
42 mistakenly believed that the child was 18 years of age or older,  
43 even if such mistaken belief was reasonable '; or
- 44 (8) The actor engages in prostitution by personally offering  
45 sexual activity in exchange for something of economic value'.
- 46 c. Grading of offenses under subsection b.

1 (1) An offense under subsection b. constitutes a crime of the  
2 <sup>1</sup>~~【second】~~ first<sup>1</sup> degree if the offense falls within paragraph (3) or  
3 (4) of that subsection.

4 (2) An offense under subsection b. constitutes a crime of the  
5 <sup>1</sup>~~【third】~~ second<sup>1</sup> degree if the offense falls within paragraph <sup>1</sup>~~【(5),~~  
6 (6) or <sup>1</sup>(7) of that subsection.

7 (3) <sup>1</sup>An offense under subsection b. constitutes a crime of the  
8 third degree if the offense falls within paragraph (5) or (6) of that  
9 subsection.

10 (4)<sup>1</sup> An offense under paragraph (2) of subsection b. constitutes a  
11 crime of the third degree if the conduct falls within subparagraph  
12 (a), (b), ~~【or】~~ (c), (f), or (g) of paragraph (4) of subsection a.  
13 Otherwise the offense is a crime of the fourth degree.

14 <sup>1</sup>~~【(4)】~~ (5)<sup>1</sup> An offense under subsection b. constitutes a  
15 disorderly persons offense if the offense falls within paragraph (1)  
16 of that subsection except that a second or <sup>1</sup>~~【subsequent】~~ third<sup>1</sup>  
17 conviction for such an offense constitutes a crime of the fourth  
18 degree <sup>1</sup>, and a fourth or subsequent conviction for such an offense  
19 constitutes a crime of the third degree<sup>1</sup>. In addition, where a motor  
20 vehicle was used in the commission of any offense under paragraph  
21 (1) of subsection b. the court shall suspend for six months the  
22 driving privilege of any such offender who has a valid driver's  
23 license issued by this State. Upon conviction, the court shall  
24 immediately collect the offender's driver's license and shall forward  
25 it, along with a report stating the first and last day of the suspension  
26 imposed pursuant to this paragraph, to the New Jersey Motor  
27 Vehicle Commission.

28 <sup>1</sup>(6) An offense under subsection b. constitutes a disorderly  
29 persons offense if the offense falls within paragraph (8) of that  
30 subsection, except that a second or subsequent conviction for such  
31 an offense constitutes a crime of the fourth degree.<sup>1</sup>

32 d. Presumption from living off prostitutes. A person, other  
33 than the prostitute or the prostitute's minor child or other legal  
34 dependent incapable of self-support, who is supported in whole or  
35 substantial part by the proceeds of prostitution is presumed to be  
36 knowingly promoting prostitution.

37 e. It is an affirmative defense to prosecution for a violation of  
38 this section that, during the time of the alleged commission of the  
39 offense, the defendant was a victim of human trafficking pursuant  
40 to section 1 of P.L.2005, c.77 (C.2C:13-8) or ~~【the defendant was~~  
41 under the】 compelled by another to engage in sexual activity,  
42 regardless of the defendant's age 【of 18】.

43 <sup>1</sup>f. <sup>2</sup>(1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon  
44 a person by a municipal court for a conviction of a disorderly  
45 persons offense under this section shall be collected,  
46 notwithstanding the procedures for the collection of fines and

1 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the  
2 municipal court administrator and paid into the municipal treasury  
3 of the municipality in which the offense was committed.

4 (2)<sup>2</sup> In addition to any fine, fee, assessment, or penalty  
5 authorized under the provisions of Title 2C of the New Jersey  
6 Statutes, a person convicted of an offense of prostitution or related  
7 offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b.  
8 shall be assessed a penalty of at least \$10,000 but not more than  
9 \$50,000, except if the offense involved promotion of the  
10 prostitution of a child under the age of 18, the penalty shall be at  
11 least \$25,000. All penalties provided for in this subsection,  
12 collected as provided for the collection of fines and restitutions in  
13 section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the  
14 Department of the Treasury to be deposited in the “Human  
15 Trafficking Survivor’s Assistance Fund” established by section 2 of  
16 P.L. , c. (C. ) (pending before the Legislature as this  
17 bill).<sup>1</sup>

18 (cf: P.L.2011, c.195, s.6)

19  
20 <sup>1</sup>9. (New section) a. Any person who, on or after the effective  
21 date of this section, is convicted and serving a sentence as provided  
22 for by Title 2C of the New Jersey Statutes for engaging in  
23 prostitution under paragraph (1) of subsection b. of N.J.S.2C:34-1  
24 may move to have the sentence reviewed by the court on the  
25 grounds that the defendant was a victim of human trafficking  
26 pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8).

27 b. (1) If the court finds that the sentence under review does not  
28 serve the interests of justice, the court may vacate the conviction,  
29 resentence the defendant, or place the defendant on probation.

30 (2) In determining whether the sentence under review serves the  
31 interests of justice, the court shall consider all relevant  
32 circumstances, including whether the defendant’s victimization  
33 constituted a significant contributing factor to the defendant’s  
34 criminal behavior, regardless of whether the defendant raised this  
35 factor as a defense at trial in accordance with subsection e. of  
36 N.J.S.2C:34-1.】<sup>1</sup>

37  
38 <sup>1</sup>10. (New section) a. (1) A person convicted of N.J.S.2C:34-1,  
39 prostitution and related offenses, or section 3 of P.L.1997, c.93  
40 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution,  
41 or a similar local ordinance, may file an application with the  
42 Superior Court in accordance with the Rules of Court to have the  
43 conviction vacated at any time following entry of a judgment of  
44 conviction, when the person’s participation in the offense was a  
45 result of having been a victim of human trafficking pursuant to  
46 section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph  
47 (14) of 22 U.S.C. s.7102.

1       (2) Notwithstanding any law to the contrary, the person may also  
2 in the same application seek an order for the expungement of any  
3 reference to the person's arrest, conviction, and any proceeding for  
4 prostitution in any records in the custody of a court, or law  
5 enforcement or correctional agency entitled to be served with the  
6 application pursuant to subsection b. of this section.

7       b. (1) An application made under this section, together with a  
8 copy of all supporting documents, shall be served pursuant to the  
9 Rules of Court upon: the Attorney General; the county prosecutor of  
10 the county wherein the court is located; the Superintendent of State  
11 Police; the chief of police or other executive head of the police  
12 department of the municipality wherein the offense was committed;  
13 the chief law enforcement officer of any other law enforcement  
14 agency of this State that participated in the arrest of the person; the  
15 superintendent or warden of any institution in which the person was  
16 confined; and, if a disposition was made in municipal court, upon  
17 the judge of that court. Any of the noticed parties herein may make  
18 an appearance or file a submission responding to the person's  
19 application.

20       (2) The application shall be made and heard within a reasonable  
21 time after the person has ceased to be a victim of human trafficking  
22 or has sought services for being a victim of human trafficking,  
23 whichever occurs later, subject to reasonable concerns for the safety  
24 of the person, family members of the person, or other victims of  
25 human trafficking that may be jeopardized by the bringing of the  
26 application, or for other reasons consistent with the purposes of this  
27 paragraph.

28       c. (1) The court may vacate a conviction pursuant to this  
29 section if it finds by a preponderance of the evidence that the person  
30 was a victim of human trafficking pursuant to section 1 of  
31 P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph (14) of 22  
32 U.S.C. s.7102 at the time of the offense, and that the violation was a  
33 result of the person having been a victim of human trafficking.

34       (2) In making a determination:

35       (a) evidence documenting the person's status as a victim of  
36 human trafficking at the time of the offense from a federal, state, or  
37 local governmental agency shall create a rebuttable presumption  
38 that the person's participation in the offense was a result of having  
39 been a victim, but shall not be required to vacate a conviction under  
40 this section; and

41       (b) the court may additionally consider other evidence it deems  
42 appropriate in determining whether the person was a victim of  
43 human trafficking, including, but not limited to:

44       (i) certified records of federal or State court proceedings which  
45 demonstrate that the defendant was a victim of a trafficker charged  
46 with a human trafficking offense under section 1 of P.L.2005, c.77  
47 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

1       (ii) certified records of approval notices or law enforcement  
 2 certifications generated from a federal immigration proceeding  
 3 available to victims of human trafficking; and

4       (iii) testimony or a sworn statement from a trained professional  
 5 staff member of a victim services organization, an attorney, a  
 6 member of the clergy or a health care or other professional from  
 7 whom the person has sought assistance in addressing the trauma  
 8 associated with being a victim of human trafficking.

9       d. If the court finds, pursuant to subsection c. of this section,  
 10 that the person was a victim of human trafficking, it shall enter an  
 11 order vacating the conviction and directing that all court records be  
 12 revised accordingly. When the person's application also seeks an  
 13 order for expungement, the court order shall require that any court,  
 14 law enforcement and correctional agencies, and other noticed  
 15 parties pursuant to subsection b. of this section expunge all  
 16 references to the person's arrest, conviction, and related  
 17 proceedings for the violation of N.J.S.2C:34-1, prostitution and  
 18 related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),  
 19 loitering for the purpose of engaging in prostitution, or a similar  
 20 local ordinance from all records in their custody that relate to the  
 21 vacated conviction. An expungement ordered pursuant to this  
 22 section shall have the same force as an expungement ordered  
 23 pursuant to N.J.S.2C:52-1 et seq.<sup>1</sup>

24  
 25       <sup>1</sup>**[10.] 11.**<sup>1</sup> (New section) a. In addition to any other disposition  
 26 authorized by law, the court shall order any person convicted of <sup>1</sup>a  
 27 disorderly persons offense for<sup>1</sup> engaging <sup>1</sup>**[a prostitute]** in  
 28 prostitution as a patron<sup>1</sup> pursuant to paragraph (1) of subsection b.  
 29 of N.J.S.2C:34-1 to participate in the "John School <sup>1</sup>**[Diversion]**  
 30 Rehabilitative<sup>1</sup> Program" established pursuant to subsection d. of  
 31 this section <sup>2</sup>, unless the prosecutor, by motion, requests that the  
 32 mandatory participation be waived, in which case the court may  
 33 waive the program participation required by this section<sup>2</sup>.

34       b. In addition to any fine, fee, assessment, or penalty  
 35 authorized under the provisions of Title 2C of the New Jersey  
 36 Statutes, a person convicted of an offense of engaging <sup>1</sup>**[a prostitute**  
 37 under] in prostitution as a patron pursuant to<sup>1</sup> paragraph (1) of  
 38 subsection b. of N.J.S.2C:34-1 shall be assessed <sup>2</sup>, if ordered to  
 39 participate in the "John School Rehabilitative Program,"<sup>2</sup> a  
 40 <sup>2</sup>**[penalty]** fee<sup>2</sup> of <sup>1</sup>**[\$1,000]** \$500<sup>1</sup>.

41       c. <sup>2</sup>**[All penalties provided for in]** Each \$500 fee assessed as  
 42 required by<sup>2</sup> this section <sup>2</sup>**[**, collected as provided for the collection  
 43 of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-  
 44 4),<sup>2</sup> shall be <sup>2</sup>collected by the court, and<sup>2</sup> forwarded to the  
 45 Department of the Treasury to be deposited in the "Human  
 46 Trafficking Survivor's Assistance Fund" established by section 2 of

1 P.L. , c. (C. ) (pending before the Legislature as this bill).  
2 <sup>1</sup>These monies, and other monies in the fund designated by the  
3 Commission on Human Trafficking pursuant to section 2 of P.L. ,  
4 c. (C. ), shall be dedicated to the development, establishment,  
5 operation, and maintenance of the "John School Diversion  
6 Program" created pursuant to subsection d. of this section.<sup>1</sup> <sup>2</sup>From  
7 this fee, \$200 shall be retained in the fund, and the remaining \$300  
8 shall be distributed as follows: \$200 to the approved provider of the  
9 "John School Rehabilitative Program," as established under  
10 subsection d. of this section, attended by the person; and \$100 to the  
11 law enforcement agency that arrested the person resulting in that  
12 person's conviction.<sup>2</sup>

13 d. <sup>1</sup>(1)<sup>1</sup> There is hereby established an education program to be  
14 known as the "John School <sup>1</sup>Diversion<sup>1</sup> Rehabilitative<sup>1</sup> Program,"  
15 which shall <sup>1</sup>be administered by the Administrative Office of the  
16 Courts<sup>1</sup> consist of an instructional program on prostitution and  
17 human trafficking schemes offered in one or more locations  
18 throughout the State <sup>2</sup>as follows:

19 (a)<sup>2</sup> by a county or local governmental entity, <sup>2</sup>or<sup>1</sup> if that  
20 county or local governmental entity demonstrates an interest in  
21 establishing a program, submits information pertaining to the  
22 proposed operation of an instructional program by the county or  
23 local governmental entity, or alternatively, by<sup>2</sup> a nonprofit or other  
24 private provider <sup>2</sup>. The instructional program and each provider  
25 thereof shall be approved by the Attorney General, in consultation  
26 with the Commission on Human Trafficking created by section 1 of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>  
28 on behalf of the county or local governmental entity, and the  
29 Attorney General, in consultation with the Commission on Human  
30 Trafficking created by section 1 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill), approves the program and the  
32 provider thereof, if the proposed provider is a nonprofit or other  
33 private entity. If a county or local governmental entity establishes  
34 and operates an instructional program, then all courts operating  
35 within the jurisdiction of that county or local governmental entity  
36 shall order a person convicted of an eligible offense under  
37 subsection a. of this section to attend that county or local  
38 governmental entity's program; provided, a court shall not be  
39 required to order a person to attend that program until the first day  
40 of the month next following the date on which the Attorney General  
41 notifies the Administrative Office of the Courts that the program  
42 has been established and approved by the Attorney General; and

43 (b) by the State, to be established within six months of the  
44 effective date of this section, based upon the Attorney General, in  
45 consultation with the Commission on Human Trafficking created by  
46 section 1 of P.L. , c. (C. ) (pending before the Legislature as  
47 this bill), approving an instructional program to be provided by one



1 or more approved nonprofit or other private providers in multiple  
 2 locations throughout the State. Any court in a jurisdiction that does  
 3 not have an approved county or local governmental entity  
 4 instructional program as established under subparagraph (a) of this  
 5 paragraph shall order a person convicted of an eligible offense  
 6 under subsection a. of this section to attend the approved State  
 7 program established under this subparagraph, unless there is an  
 8 extra-jurisdictional county or local governmental entity  
 9 instructional program within 25 miles of the court, and the court has  
 10 been notified in accordance with this subparagraph, or subparagraph  
 11 (a) of this paragraph, of the availability of that program to accept  
 12 participants from the court, in which case the court may instead  
 13 order a person to attend the county or local governmental entity's  
 14 instructional program; regarding any program notice under this  
 15 subparagraph, a court shall not be required to order a person to  
 16 attend a program until the first day of the month next following the  
 17 date on which the Attorney General notifies the Administrative  
 18 Office of the Courts that the program has been established and  
 19 approved by the Attorney General<sup>2</sup>.

20 <sup>1</sup>(2)<sup>1</sup> The program shall <sup>1</sup>educate defendants who have been  
 21 convicted of engaging a prostitute pursuant to paragraph (1) of  
 22 subsection b. of N.J.S.2C:34-1 about the risks involved in their  
 23 unlawful activity. The program shall inform the defendants of]  
 24 include information intended to increase the person's awareness of:

25 (a) the causes of prostitution and its relationship to human  
 26 trafficking;

27 (b)<sup>1</sup> the health risks connected with <sup>1</sup>[the crime of]<sup>1</sup> prostitution,  
 28 including the risk of transmittable diseases <sup>1</sup>[], the legal  
 29 ramifications for defendants of their unlawful activity, the terms of  
 30 imprisonment for subsequent offenses, and the correlation between  
 31 prostitution and] ;

32 (c) the consequences of convictions for prostitution or<sup>1</sup> human  
 33 trafficking <sup>1</sup>, including penalties for subsequent convictions; and

34 (d) the pervasiveness of human trafficking and the effects of  
 35 human trafficking on its victims.

36 (3) Pursuant to section 2 of P.L. , c. (C. ) (pending before  
 37 the Legislature as this bill), the Attorney General, in consultation  
 38 with the Commission on Human Trafficking, may provide for the  
 39 expenditures of monies from the "Human Trafficking Survivor's  
 40 Assistance Fund" to assist with the development, maintenance,  
 41 revision, and distribution of instructional program <sup>2</sup>[and  
 42 counseling]<sup>2</sup> materials for the "John School Rehabilitative  
 43 Program<sup>1 2</sup>," and the operation of this instructional program<sup>2</sup>.

44  
 45 <sup>1</sup>[11.] 12.<sup>1</sup> (New section) a. The Legislature finds and declares  
 46 that:

1 (1) There reportedly are more than 12 million victims of human  
2 trafficking and it is estimated that this figure could actually be as  
3 high as 27 million;

4 (2) According to the National Center for Missing and Exploited  
5 Children, at least 100,000 human trafficking victims are American  
6 children who are an average age of 13 years old;

7 (3) Advertisements for selling the services of girls as escorts on  
8 Internet websites falsely claim that these girls are 18 years of age or  
9 older, when the girls actually are minors;

10 (4) The advertising of these escort services includes minors who  
11 are being sold for sex, which constitutes sex trafficking and  
12 commercial sexual abuse of minors;

13 (5) Responding to political and public outcry, the Internet  
14 website craigslist.com removed its escort section, but another  
15 website with an escort section, backpage.com, has to date refused to  
16 do so;

17 (6) The states of Washington and Connecticut recently enacted  
18 laws to require Internet websites, such as backpage.com, and the  
19 patrons who advertise on websites, to maintain documentation that  
20 they have proved the age of the escorts presented in the  
21 advertisements;

22 (7) The State of New Jersey criminalized human trafficking in  
23 2005; and

24 (8) Sex trafficking of minors should be eliminated in conformity  
25 with federal laws prohibiting the sexual exploitation of children.

26 b. A person commits the offense of advertising commercial  
27 sexual abuse of a minor if:

28 (1) the person knowingly publishes, disseminates, or displays, or  
29 causes directly or indirectly, to be published, disseminated, or  
30 displayed, any advertisement for a commercial sex act, which is to  
31 take place in this State and which includes the depiction of a minor;  
32 or

33 (2) the person knowingly purchases advertising in this State for a  
34 commercial sex act which includes the depiction of a minor.

35 c. A person who commits the offense of advertising  
36 commercial sexual abuse of a minor as established in subsection b.  
37 of this section is guilty of a crime of the first degree.  
38 Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed  
39 for an offense under this section <sup>1</sup>**concerning criminal**  
40 **negligence**<sup>1</sup> shall be a fine of at least \$25,000, which shall be  
41 collected as provided for the collection of fines and restitutions in  
42 section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the  
43 Department of the Treasury to be deposited in the "Human  
44 Trafficking Survivor's Assistance Fund" established by section 2 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill).

46 d. Nothing in this section shall preclude an indictment and  
47 conviction for any other offense defined by the laws of this State.

48 e. For the purposes of this section:

1 "Advertisement for a commercial sex act" means any  
2 advertisement or offer in electronic or print media, including the  
3 Internet, which includes either an explicit or implicit offer for a  
4 commercial sex act to occur in this State.

5 "Commercial sex act" means any act of sexual contact or sexual  
6 penetration, as defined in N.J.S.2C:14-1, or any prohibited sexual  
7 act, as defined in N.J.S.2C:24-4, for which something of value is  
8 given or received by any person.

9 "Depiction" means any photograph or <sup>1</sup>**【visual or printed matter】**  
10 material containing a photograph or reproduction of a photograph<sup>1</sup>.

11 "Minor" means a person who is under 18 years of age.

12 "Photograph" means a print, negative, slide, digital image,  
13 motion picture, or videotape, and includes anything tangible or  
14 intangible produced by photographing.

15 <sup>1</sup>**【"Visual or printed matter" means any photograph or other**  
16 **material that contains a reproduction of a photograph.】<sup>1</sup>**

17 f. It shall not be a defense to a violation of this section that the  
18 defendant <sup>1</sup>;

19 (1)<sup>1</sup> did not know the age of the minor depicted in the  
20 advertisement <sup>1</sup>; or

21 (2) claims to know the age of the person depicted, unless there is  
22 appropriate proof of age obtained and produced in accordance with  
23 subsections g. and h. of this section<sup>1</sup>.

24 g. It shall be a defense to a violation of this section that the  
25 defendant made a reasonable, bona fide attempt to ascertain the true  
26 age of the minor depicted in the advertisement by requiring, prior to  
27 publication, dissemination, or display of the advertisement,  
28 production of a driver's license, marriage license, birth certificate,  
29 or other governmental or educational identification card or paper of  
30 the minor depicted in the advertisement and did not rely solely on  
31 oral or written representations of the minor's age, or the apparent  
32 age of the minor as depicted. The defendant shall prove the defense  
33 established <sup>1</sup>in<sup>1</sup> this subsection by a preponderance of the evidence.

34 h. The defendant shall maintain and, upon request, produce a  
35 record of the identification used to verify the age of the person  
36 depicted in the advertisement.

37  
38 <sup>1</sup>**【12. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to**  
39 **read as follows:**

40 2. a. (1) A person who has been convicted, adjudicated  
41 delinquent or found not guilty by reason of insanity for commission  
42 of a sex offense as defined in subsection b. of this section shall  
43 register as provided in subsections c. and d. of this section.

44 (2) A person who in another jurisdiction is required to register  
45 as a sex offender and (a) is enrolled on a full-time or part-time basis  
46 in any public or private educational institution in this State,  
47 including any secondary school, trade or professional institution,

1 institution of higher education or other post-secondary school, or  
2 (b) is employed or carries on a vocation in this State, on either a  
3 full-time or a part-time basis, with or without compensation, for  
4 more than 14 consecutive days or for an aggregate period exceeding  
5 30 days in a calendar year, shall register in this State as provided in  
6 subsections c. and d. of this section.

7 (3) A person who fails to register as required under this act shall  
8 be guilty of a crime of the third degree.

9 b. For the purposes of this act a sex offense shall include the  
10 following:

11 (1) Aggravated sexual assault, sexual assault, aggravated  
12 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
13 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these  
14 crimes if the court found that the offender's conduct was  
15 characterized by a pattern of repetitive, compulsive behavior,  
16 regardless of the date of the commission of the offense or the date  
17 of conviction;

18 (2) A conviction, adjudication of delinquency, or acquittal by  
19 reason of insanity for aggravated sexual assault; sexual assault;  
20 aggravated criminal sexual contact; kidnapping pursuant to  
21 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
22 welfare of a child by engaging in sexual conduct which would  
23 impair or debauch the morals of the child pursuant to subsection a.  
24 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
25 paragraph (3) or (4) or subparagraph (a) of paragraph (5) of  
26 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to  
27 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact  
28 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping  
29 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to  
30 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if  
31 the victim is a minor and the offender is not the parent of the  
32 victim; knowingly promoting prostitution of a child pursuant to  
33 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1;  
34 advertising commercial sexual abuse of a minor pursuant to section  
35 11 of P.L. , c. (C. ) (pending before the Legislature as this  
36 bill); or an attempt to commit any of these enumerated offenses if  
37 the conviction, adjudication of delinquency or acquittal by reason of  
38 insanity is entered on or after the effective date of this act or the  
39 offender is serving a sentence of incarceration, probation, parole or  
40 other form of community supervision as a result of the offense or is  
41 confined following acquittal by reason of insanity or as a result of  
42 civil commitment on the effective date of this act;

43 (3) A conviction, adjudication of delinquency or acquittal by  
44 reason of insanity for an offense similar to any offense enumerated  
45 in paragraph (2) or a sentence on the basis of criteria similar to the  
46 criteria set forth in paragraph (1) of this subsection entered or  
47 imposed under the laws of the United States, this State or another  
48 state.

1       c. A person required to register under the provisions of this act  
2 shall do so on forms to be provided by the designated registering  
3 agency as follows:

4       (1) A person who is required to register and who is under  
5 supervision in the community on probation, parole, furlough, work  
6 release, or a similar program, shall register at the time the person is  
7 placed under supervision or no later than 120 days after the  
8 effective date of this act, whichever is later, in accordance with  
9 procedures established by the Department of Corrections, the  
10 Department of Human Services, the Juvenile Justice Commission  
11 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-  
12 170), or the Administrative Office of the Courts, whichever is  
13 responsible for supervision;

14       (2) A person confined in a correctional or juvenile facility or  
15 involuntarily committed who is required to register shall register  
16 prior to release in accordance with procedures established by the  
17 Department of Corrections, the Department of Human Services or  
18 the Juvenile Justice Commission and, within 48 hours of release,  
19 shall also register with the chief law enforcement officer of the  
20 municipality in which the person resides or, if the municipality does  
21 not have a local police force, the Superintendent of State Police;

22       (3) A person moving to or returning to this State from another  
23 jurisdiction shall register with the chief law enforcement officer of  
24 the municipality in which the person will reside or, if the  
25 municipality does not have a local police force, the Superintendent  
26 of State Police within 120 days of the effective date of this act or 10  
27 days of first residing in or returning to a municipality in this State,  
28 whichever is later;

29       (4) A person required to register on the basis of a conviction  
30 prior to the effective date who is not confined or under supervision  
31 on the effective date of this act shall register within 120 days of the  
32 effective date of this act with the chief law enforcement officer of  
33 the municipality in which the person will reside or, if the  
34 municipality does not have a local police force, the Superintendent  
35 of State Police;

36       (5) A person who in another jurisdiction is required to register  
37 as a sex offender and who is enrolled on a full-time or part-time  
38 basis in any public or private educational institution in this State,  
39 including any secondary school, trade or professional institution,  
40 institution of higher education or other post-secondary school shall,  
41 within ten days of commencing attendance at such educational  
42 institution, register with the chief law enforcement officer of the  
43 municipality in which the educational institution is located or, if the  
44 municipality does not have a local police force, the Superintendent  
45 of State Police;

46       (6) A person who in another jurisdiction is required to register  
47 as a sex offender and who is employed or carries on a vocation in  
48 this State, on either a full-time or a part-time basis, with or without

1 compensation, for more than 14 consecutive days or for an  
2 aggregate period exceeding 30 days in a calendar year, shall, within  
3 ten days after commencing such employment or vocation, register  
4 with the chief law enforcement officer of the municipality in which  
5 the employer is located or where the vocation is carried on, as the  
6 case may be, or, if the municipality does not have a local police  
7 force, the Superintendent of State Police;

8 (7) In addition to any other registration requirements set forth in  
9 this section, a person required to register under this act who is  
10 enrolled at, employed by or carries on a vocation at an institution of  
11 higher education or other post-secondary school in this State shall,  
12 within ten days after commencing such attendance, employment or  
13 vocation, register with the law enforcement unit of the educational  
14 institution, if the institution has such a unit.

15 d. (1) Upon a change of address, a person shall notify the law  
16 enforcement agency with which the person is registered and shall  
17 re-register with the appropriate law enforcement agency no less  
18 than 10 days before he intends to first reside at his new address.  
19 Upon a change of employment or school enrollment status, a person  
20 shall notify the appropriate law enforcement agency no later than  
21 five days after any such change. A person who fails to notify the  
22 appropriate law enforcement agency of a change of address or status  
23 in accordance with this subsection is guilty of a crime of the fourth  
24 degree.

25 (2) A person required to register under this act shall provide the  
26 appropriate law enforcement agency with information as to whether  
27 the person has routine access to or use of a computer or any other  
28 device with Internet capability. A person who fails to notify the  
29 appropriate law enforcement agency of such information or of a  
30 change in the person's access to or use of a computer or other  
31 device with Internet capability or who provides false information  
32 concerning the person's access to or use of a computer or any other  
33 device with Internet capability is guilty of a crime of the fourth  
34 degree.

35 e. A person required to register under paragraph (1) of  
36 subsection b. of this section or under paragraph (3) of subsection b.  
37 due to a sentence imposed on the basis of criteria similar to the  
38 criteria set forth in paragraph (1) of subsection b. shall verify his  
39 address with the appropriate law enforcement agency every 90 days  
40 in a manner prescribed by the Attorney General. A person required  
41 to register under paragraph (2) of subsection b. of this section or  
42 under paragraph (3) of subsection b. on the basis of a conviction for  
43 an offense similar to an offense enumerated in paragraph (2) of  
44 subsection b. shall verify his address annually in a manner  
45 prescribed by the Attorney General. One year after the effective  
46 date of this act, the Attorney General shall review, evaluate and, if  
47 warranted, modify pursuant to the "Administrative Procedure Act,"  
48 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.

1 Any person who knowingly provides false information concerning  
2 his place of residence or who fails to verify his address with the  
3 appropriate law enforcement agency or other entity, as prescribed  
4 by the Attorney General in accordance with this subsection, is  
5 guilty of a crime of the fourth degree.

6 f. Except as provided in subsection g. of this section, a person  
7 required to register under this act may make application to the  
8 Superior Court of this State to terminate the obligation upon proof  
9 that the person has not committed an offense within 15 years  
10 following conviction or release from a correctional facility for any  
11 term of imprisonment imposed, whichever is later, and is not likely  
12 to pose a threat to the safety of others.

13 g. A person required to register under this section who has  
14 been convicted of, adjudicated delinquent, or acquitted by reason of  
15 insanity for more than one sex offense as defined in subsection b. of  
16 this section or who has been convicted of, adjudicated delinquent,  
17 or acquitted by reason of insanity for aggravated sexual assault  
18 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault  
19 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not  
20 eligible under subsection f. of this section to make application to  
21 the Superior Court of this State to terminate the registration  
22 obligation.

23 (cf: P.L.2007, c.219, s.2) **1**<sup>1</sup>

24

25 13. N.J.S.2C:24-4 is amended to read as follows:

26 2C:24-4. Endangering Welfare of Children.

27 a. Any person having a legal duty for the care of a child or who  
28 has assumed responsibility for the care of a child who engages in  
29 sexual conduct which would impair or debauch the morals of the  
30 child, or who causes the child harm that would make the child an  
31 abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and  
32 section 1 of P.L.1974, c.119 **1**, s.1 **1** (C.9:6-8.21) is guilty of a crime  
33 of the second degree. Any other person who engages in conduct or  
34 who causes harm as described in this subsection to a child under the  
35 age of **1** **16** **18**<sup>1</sup> is guilty of a crime of the third degree.

36 b. (1) As used in this subsection:

37 "Child" means any person under **1** **16** **18**<sup>1</sup> years of age.

38 "Internet" means the international computer network of both  
39 federal and non-federal interoperable packet switched data  
40 networks.

41 "Prohibited sexual act" means

42 (a) Sexual intercourse; or

43 (b) Anal intercourse; or

44 (c) Masturbation; or

45 (d) Bestiality; or

46 (e) Sadism; or

47 (f) Masochism; or

48 (g) Fellatio; or

1 (h) Cunnilingus; or

2 (i) Nudity, if depicted for the purpose of sexual stimulation or  
3 gratification of any person who may view such depiction; or

4 (j) Any act of sexual penetration or sexual contact as defined in  
5 N.J.S.2C:14-1.

6 "Reproduction" means, but is not limited to, computer generated  
7 images.

8 (2) (Deleted by amendment, P.L.2001, c.291).

9 (3) A person commits a crime of the second degree if he causes  
10 or permits a child to engage in a prohibited sexual act or in the  
11 simulation of such an act if the person knows, has reason to know  
12 or intends that the prohibited act may be photographed, filmed,  
13 reproduced, or reconstructed in any manner, including on the  
14 Internet, or may be part of an exhibition or performance. If the  
15 person is a parent, guardian or other person legally charged with the  
16 care or custody of the child, the person shall be guilty of a crime of  
17 the first degree.

18 (4) Any person who photographs or films a child in a prohibited  
19 sexual act or in the simulation of such an act or who uses any  
20 device, including a computer, to reproduce or reconstruct the image  
21 of a child in a prohibited sexual act or in the simulation of such an  
22 act is guilty of a crime of the second degree.

23 (5) (a) Any person who knowingly receives for the purpose of  
24 selling or who knowingly sells, procures, manufactures, gives,  
25 provides, lends, trades, mails, delivers, transfers, publishes,  
26 distributes, circulates, disseminates, presents, exhibits, advertises,  
27 offers or agrees to offer, through any means, including the Internet,  
28 any photograph, film, videotape, computer program or file, video  
29 game or any other reproduction or reconstruction which depicts a  
30 child engaging in a prohibited sexual act or in the simulation of  
31 such an act, is guilty of a crime of the second degree.

32 (b) Any person who knowingly possesses or knowingly views  
33 any photograph, film, videotape, computer program or file, video  
34 game or any other reproduction or reconstruction which depicts a  
35 child engaging in a prohibited sexual act or in the simulation of  
36 such an act, including on the Internet, is guilty of a crime of the  
37 **【fourth】** third degree.

38 (6) For purposes of this subsection, a person who is depicted as  
39 or presents the appearance of being under the age of **‘【16】 18’** in  
40 any photograph, film, videotape, computer program or file, video  
41 game or any other reproduction or reconstruction shall be rebuttably  
42 presumed to be under the age of **‘【16】 18’**. If the child who is  
43 depicted as engaging in, or who is caused to engage in, a prohibited  
44 sexual act or simulation of a prohibited sexual act is under the age  
45 of **‘【16】 18’**, the actor shall be strictly liable and it shall not be a  
46 defense that the actor did not know that the child was under the age  
47 of **‘【16】 18’**, nor shall it be a defense that the actor believed that



1 the child was <sup>1</sup>**[16]** 18<sup>1</sup> years of age or older, even if such a  
2 mistaken belief was reasonable.

3 (cf: P.L.2001, c.291, s.1)  
4

5 <sup>1</sup>14. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to  
6 read as follows:

7 8. The Attorney General, county prosecutor or a person  
8 designated to act for such an official and to perform his duties in  
9 and during his actual absence or disability, may authorize, in  
10 writing, an ex parte application to a judge designated to receive the  
11 same for an order authorizing the interception of a wire, or  
12 electronic or oral communication by the investigative or law  
13 enforcement officers or agency having responsibility for an  
14 investigation when such interception may provide evidence of the  
15 commission of the offense of murder, kidnapping, gambling,  
16 robbery, bribery, a violation of paragraph (1) or (2) of subsection b.  
17 of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353  
18 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by  
19 imprisonment for more than one year, a violation of P.L.1994,  
20 c.121 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of  
21 P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of  
22 N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections  
23 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a  
24 violation of N.J.S.2C:12-3 (terroristic threats), violations of  
25 N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of  
26 sections 112 through 116, inclusive, of the "Casino Control Act,"  
27 P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of  
28 section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-  
29 1 punishable by imprisonment for more than one year, arson,  
30 burglary, theft and related offenses punishable by imprisonment for  
31 more than one year, endangering the welfare of a child pursuant to  
32 N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable  
33 by imprisonment for more than one year, alteration of motor vehicle  
34 identification numbers, unlawful manufacture, purchase, use, or  
35 transfer of firearms, unlawful possession or use of destructive  
36 devices or explosives, weapons training for illegal activities  
37 pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering  
38 or a violation of subsection g. of N.J.S.2C:5-2, leader of organized  
39 crime, organized criminal activity directed toward the unlawful  
40 transportation, storage, disposal, discharge, release, abandonment or  
41 disposition of any harmful, hazardous, toxic, destructive, or  
42 polluting substance, or any conspiracy to commit any of the  
43 foregoing offenses or which may provide evidence aiding in the  
44 apprehension of the perpetrator or perpetrators of any of the  
45 foregoing offenses.<sup>1</sup>

46 (cf: P.L.2002, c.26, s.6)

1       <sup>1</sup>15. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to  
2 read as follows:

3       1. a. As used in this section:

4       "Crime with bail restrictions" means a crime of the first or  
5 second degree charged under any of the following sections:

- |    |  |   |
|----|--|---|
| 6  | (1) Murder                                       | 2C:11-3.                                |
| 7  | (2) Manslaughter                                 | 2C:11-4.                                |
| 8  | (3) Kidnapping                                   | 2C:13-1.                                |
| 9  | (4) Sexual Assault                               | 2C:14-2.                                |
| 10 | (5) Robbery                                      | 2C:15-1.                                |
| 11 | (6) Carjacking                                   | P.L.1993, c.221, s.1 (C.2C:15-2).       |
| 12 | (7) Arson and Related Offenses                   | 2C:17-1.                                |
| 13 | (8) Causing or Risking Widespread                |   |
| 14 | Injury or Damage                                 | 2C:17-2.                                |
| 15 | (9) Burglary                                     | 2C:18-2.                                |
| 16 | (10) Theft by Extortion                          | 2C:20-5.                                |
| 17 | (11) Endangering the Welfare of Children         | 2C:24-4.                                |
| 18 | (12) Resisting Arrest; Eluding Officer           | 2C:29-2.                                |
| 19 | (13) Escape                                      | 2C:29-5.                                |
| 20 | (14) Corrupting or Influencing a Jury            | 2C:29-8.                                |
| 21 | (15) Possession of Weapons for Unlawful Purposes | 2C:39-4.                                |
| 22 | (16) Weapons Training for Illegal Activities     |   |
| 23 |  | P.L.1983, c.229, s.1 (C.2C:39-14).      |
| 24 | (17) Soliciting or Recruiting Gang Members       |   |
| 25 |  | P.L.1999, c.160, s.1 (C.2C:33-28).      |
| 26 | <u>(18) Human Trafficking</u>                    | <u>P.L.2005, c.77, s.1 (C.2C:13-8).</u> |

27       "Crime with bail restrictions" also includes any first or second  
28 degree drug-related crimes under chapter 35 of Title 2C of the New  
29 Jersey Statutes and any first or second degree racketeering crimes  
30 under chapter 41 of Title 2C of the New Jersey Statutes.

31       "Crime with bail restrictions" also includes any crime or offense  
32 involving domestic violence, as defined in subsection a. of section 3  
33 of P.L.1991, c.261 (C.2C:25-19), where the defendant was subject  
34 to a temporary or permanent restraining order issued pursuant to the  
35 provisions of the "Prevention of Domestic Violence Act of 1991,"  
36 P.L.1991, c.261 (C.2C:25-17 et al.) and is charged with a crime  
37 committed against a person protected under the order or where the  
38 defendant is charged with contempt pursuant to N.J.S.2C:29-9.

39       b. Subject to the provisions of subsection c. of this section, a  
40 person charged with a crime with bail restrictions may post the  
41 required amount of bail only in the form of:

- |    |   |
|----|---|
| 42 | (1) Full cash;  |
| 43 | (2) A surety bond executed by a corporation authorized under    |
| 44 | chapter 31 of Title 17 of the Revised Statutes; or              |
| 45 | (3) A bail bond secured by real property situated in this State |
| 46 | with an unencumbered equity equal to the amount of bail         |
| 47 | undertaken plus \$20,000.                                       |

1 c. There shall be a presumption in favor of the court  
2 designating the posting of full United States currency cash bail to  
3 the exclusion of other forms of bail when a defendant is charged  
4 with an offense as set forth in subsection a. of this section and:

5 (1) has two other indictable cases pending at the time of the  
6 arrest; or

7 (2) has two prior convictions for a first or second degree crime  
8 or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any  
9 combination thereof; or

10 (3) has one prior conviction for murder, aggravated  
11 manslaughter, aggravated sexual assault, kidnapping or bail  
12 jumping; or

13 (4) was on parole at the time of the arrest; or

14 (5) was subject to a temporary or permanent restraining order  
15 issued pursuant to the provisions of the "Prevention of Domestic  
16 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was  
17 charged with a crime committed against a person protected under  
18 that order, including a charge of contempt pursuant to N.J.S.2C:29-  
19 9, and either: (a) is charged with commission of a domestic violence  
20 crime that resulted in serious bodily injury to the victim; or (b) has  
21 at least one prior conviction for a crime or offense involving  
22 domestic violence against the same victim or has previously  
23 violated a final restraining order protecting the same victim,

24 unless the court finds on the record that another form of bail  
25 authorized in subsection b. of this section will ensure the  
26 defendant's presence in court when required.

27 d. When bail is posted in the form of a bail bond secured by  
28 real property, the owner of the real property, whether the person is  
29 admitted to bail or a surety, shall also file an affidavit containing:

30 (1) A legal description of the real property;

31 (2) A description of each encumbrance on the real property;

32 (3) The market value of the unencumbered equity owned by the  
33 affiant as determined in a full appraisal conducted by an appraiser  
34 licensed by the State of New Jersey; and

35 (4) A statement that the affiant is the sole owner of the  
36 unencumbered equity.

37 e. Nothing herein is intended to preclude a court from releasing  
38 a person on the person's own recognizance when the court  
39 determines that such person is deserving.<sup>1</sup>

40 (cf: P.L.2011, c.138, s.1)

41  
42 <sup>1</sup>**[14.] 16.**<sup>1</sup> Section 1 of P.L.1985, c.126 (C.2A:84A-32.4) is  
43 amended to read as follows:

44 1. a. In prosecutions for aggravated sexual assault, sexual  
45 assault, aggravated criminal sexual contact, criminal sexual contact,  
46 **[or] human trafficking involving sexual activity**, child abuse, or in  
47 any action alleging an abused or neglected child under P.L.1974,  
48 c.119 (C.9:6-8.21 et seq.), the court may, on motion and after

1 conducting a hearing in camera, order the taking of the testimony of  
2 a witness on closed circuit television at the trial, out of the view of  
3 the jury, defendant, or spectators upon making findings as provided  
4 in subsection b. of this section.

5 b. An order under this section may be made only if the court  
6 finds that the witness is 16 years of age or younger and that there is  
7 a substantial likelihood that the witness would suffer severe  
8 emotional or mental distress if required to testify in open court.  
9 The order shall be specific as to whether the witness will testify  
10 outside the presence of spectators, the defendant, the jury, or all of  
11 them and shall be based on specific findings relating to the impact  
12 of the presence of each.

13 c. A motion seeking closed circuit testimony under subsection  
14 a. of this section may be filed by:

15 (1) The victim or witness or the victim's or witness's attorney,  
16 parent or legal guardian;

17 (2) The prosecutor;

18 (3) The defendant or the defendant's counsel; or

19 (4) The trial judge on the judge's own motion.

20 d. The defendant's counsel shall be present at the taking of  
21 testimony in camera. If the defendant is not present, he and his  
22 attorney shall be able to confer privately with each other during the  
23 testimony by a separate audio system.

24 e. If testimony is taken on closed circuit television pursuant to  
25 the provisions of this act, a stenographic recording of that testimony  
26 shall also be required. A typewritten transcript of that testimony  
27 shall be included in the record on appeal. The closed circuit  
28 testimony itself shall not constitute part of the record on appeal  
29 except on motion for good cause shown.

30 (cf: P.L.1985, c.126, s.1)

31  
32 <sup>1</sup>**[15.] 17.**<sup>1</sup> N.J.S.2C:14-7 is amended to read as follows:

33 2C:14-7. a. In prosecutions for aggravated sexual assault, sexual  
34 assault, aggravated criminal sexual contact, criminal sexual contact,  
35 human trafficking involving sexual activity, endangering the  
36 welfare of a child in violation of N.J.S.2C:24-4, or the fourth degree  
37 crime of lewdness in violation of subsection b. of N.J.S.2C:14-4,  
38 evidence of the victim's previous sexual conduct shall not be  
39 admitted nor reference made to it in the presence of the jury except  
40 as provided in this section. When the defendant seeks to admit such  
41 evidence for any purpose, the defendant must apply for an order of  
42 the court before the trial or preliminary hearing, except that the  
43 court may allow the motion to be made during trial if the court  
44 determines that the evidence is newly discovered and could not  
45 have been obtained earlier through the exercise of due diligence.  
46 After the application is made, the court shall conduct a hearing in  
47 camera to determine the admissibility of the evidence. If the court  
48 finds that evidence offered by the defendant regarding the sexual

1 conduct of the victim is relevant and highly material and meets the  
2 requirements of subsections c. and d. of this section and that the  
3 probative value of the evidence offered substantially outweighs its  
4 collateral nature or the probability that its admission will create  
5 undue prejudice, confusion of the issues, or unwarranted invasion of  
6 the privacy of the victim, the court shall enter an order setting forth  
7 with specificity what evidence may be introduced and the nature of  
8 the questions which shall be permitted, and the reasons why the  
9 court finds that such evidence satisfies the standards contained in  
10 this section. The defendant may then offer evidence under the order  
11 of the court.

12 b. In the absence of clear and convincing proof to the contrary,  
13 evidence of the victim's sexual conduct occurring more than one  
14 year before the date of the offense charged is presumed to be  
15 inadmissible under this section.

16 c. Evidence of previous sexual conduct with persons other than  
17 the defendant which is offered by any lay or expert witness shall not  
18 be considered relevant unless it is material to proving the source of  
19 semen, pregnancy or disease.

20 d. Evidence of the victim's previous sexual conduct with the  
21 defendant shall be considered relevant if it is probative of whether a  
22 reasonable person, knowing what the defendant knew at the time of  
23 the alleged offense, would have believed that the alleged victim  
24 freely and affirmatively permitted the sexual behavior complained  
25 of.

26 e. Evidence of the manner in which the victim was dressed at  
27 the time an offense was committed shall not be admitted unless  
28 such evidence is determined by the court to be relevant and  
29 admissible in the interest of justice, after an offer of proof by the  
30 proponent of such evidence outside the hearing of the jury or at  
31 such hearing as the court may require, and a statement by the court  
32 of its findings of fact essential to its determination. A statement by  
33 the court of its findings shall also be included in the record.

34 f. For the purposes of this section, "sexual conduct" shall mean  
35 any conduct or behavior relating to sexual activities of the victim,  
36 including but not limited to previous or subsequent experience of  
37 sexual penetration or sexual contact, use of contraceptives, sexual  
38 activities reflected in gynecological records, living arrangement and  
39 life style.

40 (cf: P.L.1995, c.237, s.1)

41

42 <sup>1</sup>**[16.] 18.**<sup>1</sup> (New section) <sup>2</sup>**[a.]**<sup>2</sup> The Attorney General shall, in  
43 consultation with the Commission on Human Trafficking  
44 established by section 1 of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), <sup>2</sup>**[establish and maintain]** coordinate<sup>2</sup> the  
46 <sup>2</sup>**[participation of the State** <sup>1</sup>**[with either an existing]** in] State's  
47 involvement with<sup>2</sup> the<sup>1</sup> national, 24-hour toll-free hotline telephone

1 service on human trafficking that is operating <sup>1</sup>【on or after the  
 2 effective date of this section or any federally required hotline  
 3 telephone service】 pursuant to the National Human Trafficking  
 4 Hotline, Training, and Technical Assistance Program authorized by  
 5 22 U.S.C. ss.7104(b) and 7105(b)(1)(B), 8 U.S.C. s.1522(c)(1)(A),  
 6 or any successor federal law<sup>1</sup> <sup>2</sup>【, and shall take appropriate action  
 7 to publicize the service】<sup>2</sup>.

8 <sup>2</sup>【b. <sup>1</sup>【Unless otherwise established by a federally required  
 9 hotline telephone service under federal law, the hotline selected by  
 10 the】 The<sup>1</sup> Attorney General, in consultation with the commission,  
 11 <sup>1</sup>【shall be capable of receiving information from members of the  
 12 public who have knowledge of or who believe that an act of human  
 13 trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is  
 14 being or has been committed. The hotline service】<sup>1</sup> shall also <sup>1</sup>【be  
 15 capable of】 require that any State hotline telephone number  
 16 established before, on, or after the effective date of this section for<sup>1</sup>  
 17 receiving <sup>1</sup>【and】 information from members of the public who have  
 18 knowledge of or who believe that an act of human trafficking in  
 19 violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is being or has  
 20 been committed or for<sup>1</sup> responding to requests for information from  
 21 members of the public concerning human trafficking <sup>1</sup>be directly  
 22 linked to the national, 24-hour toll-free hotline telephone service  
 23 described in subsection a. of this section, so that any telephone call  
 24 to the State number is immediately and directly forwarded to that  
 25 national telephone service<sup>1</sup>.

26 c. The Attorney General shall, <sup>1</sup>in consultation with the  
 27 commission, and<sup>1</sup> pursuant to any funds appropriated or otherwise  
 28 made available, establish an educational and public information  
 29 program concerning the crime of human trafficking set out in  
 30 section 1 of P.L.2005, c.77 (C.2C:13-8).】<sup>2</sup>

31  
 32 <sup>1</sup>【17.】 19.<sup>1</sup> (New section) a. <sup>1</sup>【(1)】<sup>1</sup> The <sup>1</sup>Police Training  
 33 Commission, in consultation with the<sup>1</sup> Attorney General and the  
 34 Director of the Division of Criminal Justice in the Department of  
 35 Law and Public Safety <sup>1</sup>,<sup>1</sup> shall develop and approve <sup>1</sup>【a training  
 36 course and curriculum】 , as part of the police training courses  
 37 required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), courses  
 38 of study<sup>1</sup> on the handling, response procedures, investigation, and  
 39 prosecution of human trafficking cases <sup>1</sup>【for law enforcement  
 40 agencies】<sup>1</sup>. <sup>1</sup>【This training course】 These courses<sup>1</sup> shall be  
 41 reviewed at least every two years and modified <sup>1</sup>【by the Attorney  
 42 General and Director of the Division of Criminal Justice】<sup>1</sup> from  
 43 time to time as need may require.

44 <sup>1</sup>【(2) The Attorney General shall be responsible for ensuring that  
 45 all law enforcement officers attend initial training within 90 days of

1 appointment or transfer and annual inservice training of at least four  
2 hours as described in this section.

3 (3) The Division of Criminal Justice shall distribute the training  
4 materials and curriculum to all State, county, and local law  
5 enforcement agencies.】<sup>1</sup>

6 b. (1) The <sup>1</sup>【Division of Criminal Justice】 Department of  
7 Community Affairs<sup>1</sup>, in consultation with the <sup>1</sup>【Department of  
8 Community Affairs】 Commission on Human Trafficking  
9 established by section 1 of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill)<sup>1</sup>, shall develop <sup>1</sup>【and】 <sup>1</sup>, approve <sup>1</sup>, and  
11 provide for<sup>1</sup> a <sup>1</sup>one-time<sup>1</sup> training course on the handling and  
12 response procedures of suspected human trafficking activities for  
13 owners, operators, and staff of hotels and motels as defined in the  
14 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
15 seq.) <sup>1</sup>; or alternatively, the department, in consultation with the  
16 commission, shall approve for use a substantially similar one-time  
17 training course provided by a recognized Statewide nonprofit hotel  
18 or other multiple dwelling trade association with demonstrated  
19 experience in providing course offerings to owners, operators, and  
20 staff on similar workplace matters<sup>1</sup>. <sup>1</sup>【This】 The department, in  
21 consultation with the commission and the approved nonprofit  
22 course provider, if any, shall define by regulation which staff  
23 positions are required, as a condition of employment, to attend the  
24 one-time training course. Verifiable completion of the training  
25 course by required staff shall be a condition of issuance,  
26 maintenance, or renewal of any license, permit, certificate, or  
27 approval required, permitted to be granted, or issued to owners or  
28 operators under the provisions of the "Hotel and Multiple Dwelling  
29 Law," P.L.1967, c.76 (C.55:13A-1 et seq.). The<sup>1</sup> training course  
30 shall be reviewed at least every two years and modified by the  
31 <sup>1</sup>【Division of Criminal Justice】 department<sup>1</sup>, in consultation with  
32 the <sup>1</sup>【Department of Community Affairs】 commission and the  
33 approved nonprofit course provider, if any<sup>1</sup>, from time to time as  
34 need may require.

35 (2) The Department of Community Affairs <sup>1</sup>, through its  
36 oversight and enforcement authority provided under the "Hotel and  
37 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).<sup>1</sup>  
38 shall be responsible for ensuring that all hotel and motel owners,  
39 operators, and <sup>1</sup>required<sup>1</sup> staff attend <sup>1</sup>【initial】 the one-time<sup>1</sup>  
40 training <sup>1</sup>course<sup>1</sup> within <sup>1</sup>【90 days】 one year<sup>1</sup> of <sup>1</sup>the<sup>1</sup> enactment of  
41 this section <sup>1</sup>【, and annual inservice training of at least four hours  
42 as described in this section】 in the case of all current owners,  
43 operators, and required staff engaging in their respective profession  
44 on the effective date of this section, and within six months of the  
45 first day of ownership, operation, or employment for all new  
46 owners, operators, and required staff who initially engage in their

1 respective profession on a date that follows the effective date. If an  
2 approved nonprofit course provider is involved in providing the  
3 one-time training course to new owners, operators, and staff who  
4 initially engage in their respective profession on a date that follows  
5 the effective date of this section, then the nonprofit course provider  
6 shall provide the training course at least once every six months in  
7 order for these persons to meet the six-month training deadline  
8 established by this paragraph<sup>1</sup>.

9 (3) The Department of Community Affairs shall <sup>1</sup>~~['distribute]~~  
10 make available<sup>1</sup> the training materials <sup>1</sup>~~['and curriculum]~~ for the  
11 one-time training course<sup>1</sup> to <sup>1</sup>~~['all hotels and motels in the State]~~  
12 hotel and motel owners, operators, and required staff, or to the  
13 approved nonprofit course provider, if any, in order for the owners,  
14 operators, and required staff to fulfill the one-time training  
15 requirement set forth in this subsection<sup>1</sup>.

16 c. (1) The <sup>1</sup>~~['Division of Criminal Justice]~~ Department of  
17 Health<sup>1</sup>, in consultation with the <sup>1</sup>~~['Department of Human Services]~~  
18 Commission on Human Trafficking established by section 1 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>,  
20 shall develop <sup>1</sup>~~['and]~~ , <sup>1</sup> approve <sup>1</sup>, and provide for<sup>1</sup> a <sup>1</sup>'one-time'  
21 training course on the handling and response procedures of  
22 suspected human trafficking activities for employees of every  
23 licensed health care facility as defined in section 2 of P.L.1971,  
24 c.136 (C.26:2H-2), including those professionals whose  
25 professional practice is regulated pursuant to Title 45 of the Revised  
26 Statutes<sup>1</sup>; or alternatively, the department, in consultation with the  
27 commission, shall approve for use a substantially similar one-time  
28 training course provided by a recognized Statewide nonprofit  
29 healthcare trade association with demonstrated experience in  
30 providing course offerings to health care facility employees on  
31 similar workplace matters<sup>1</sup>. <sup>1</sup>~~['This]~~ The department, in  
32 consultation with the commission and the approved nonprofit  
33 course provider, if any, shall define by regulation which employees  
34 are required, as a condition of their employment, to attend the one-  
35 time training course. Verifiable completion of the training course  
36 by required employees shall be a condition of issuance,  
37 maintenance, or renewal of any license, permit, certificate, or  
38 approval required, permitted to be granted, or issued to licensed  
39 health care facilities under the provisions of P.L.1971, c.136  
40 (C.26:2H-1 et al.). The<sup>1</sup> training course shall be reviewed at least  
41 every two years and modified by the<sup>1</sup> ~~['Division of Criminal~~  
42 ~~Justice]~~ department<sup>1</sup>, in consultation with the <sup>1</sup>~~['Department of~~  
43 ~~Human Services]~~ commission and the approved nonprofit course  
44 provider, if any, from time to time as need may require<sup>1</sup>.

45 (2) The Department of <sup>1</sup>~~['Human Services]~~ Health, through its  
46 oversight and enforcement authority provided under P.L.1971,



1 c.136 (C.26:2H-1 et al.),<sup>1</sup> shall be responsible for ensuring that all  
2 'required' employees of licensed health care facilities attend  
3 '[initial] the one-time' training 'course' within '[90 days] one  
4 year' of 'the' enactment of this section '[, and annual inservice  
5 training of at least four hours as described in this section] in the  
6 case of all current employees engaging in their respective  
7 profession on the effective date of this section, and within six  
8 months of the first day of employment for all new employees who  
9 initially engage in their respective profession on a date that follows  
10 the effective date. If an approved nonprofit course provider is  
11 involved in providing the one-time training course to new  
12 employees who initially engage in their respective profession on a  
13 date that follows the effective date of this section, then the  
14 nonprofit course provider shall provide the training course at least  
15 once every six months in order for these employees to meet the six-  
16 month training deadline established by this paragraph<sup>1</sup>.

17 (3) The Department of '[Human Services] Health' shall  
18 '[distribute] make available' the training materials '[and  
19 curriculum] for the one-time training course' to '[all licensed  
20 health care facilities in the State] required employees, or to the  
21 approved nonprofit course provider, if any, in order for the required  
22 employees to fulfill the one-time training requirement set forth in  
23 this subsection<sup>1</sup>.

24 d. (1) The Administrative Office of the Courts shall develop and  
25 approve a training course and a curriculum '[on the handling,  
26 investigation, and response procedures and prosecution of human  
27 trafficking cases for all] to raise awareness of' judges and '[all]'  
28 judicial personnel 'on the seriousness of the crime of human  
29 trafficking, its impact on human rights and the need to adequately  
30 implement anti-trafficking laws, including not only the prosecution  
31 and sentencing of defendants charged with human trafficking, but  
32 the need to respect and restore rights and needs of victims of human  
33 trafficking<sup>1</sup>. This training course shall be reviewed at least every  
34 two years and modified by the Administrative Office of the Courts  
35 from time to time as need may require.

36 (2) The Administrative Office of the Courts shall '[be  
37 responsible for ensuring that all] make the training course,  
38 curriculum, and supporting materials available to appropriate'  
39 judges and judicial personnel '[attend initial training within 90  
40 days of appointment or transfer and annual in-service training of at  
41 least four hours as described in this section] who may be involved  
42 with the court-related aspects of human trafficking prosecutions  
43 through annual in-service judicial training programs or other  
44 means<sup>1</sup>.

45 e. '[The Division of Criminal Justice, the Department of  
46 Community Affairs, the Department of Human Services, and the

1 Administrative Office of the Courts shall provide that all training on  
 2 the handling of human trafficking cases shall include information  
 3 concerning the impact of human trafficking on society, the statutory  
 4 and case law concerning human trafficking, policies and procedures  
 5 as promulgated or ordered by the Attorney General, the Department  
 6 of Community Affairs, the Department of Human Services, or the  
 7 Supreme Court, or the federal government and the use of available  
 8 community resources, support services, sanctions, and treatment  
 9 options for victims of human trafficking】 Pursuant to section 2 of  
 10 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 11 the Attorney General, in consultation with the Commission on  
 12 Human Trafficking established by section 1 of P.L. , c. (C. )  
 13 (pending before the Legislature as this bill), may provide for the  
 14 expenditures of monies from the “Human Trafficking Survivor’s  
 15 Assistance Fund” to assist with the development, maintenance,  
 16 revision, and distribution of training course materials for the  
 17 courses developed in accordance with this section<sup>1 2</sup>, and the  
 18 operation of these training courses<sup>2</sup>.

19

20 <sup>1</sup>【18.】 20.<sup>1</sup> Section 9 of P.L.1985, c.404 (C.52:4B-47) is  
 21 amended to read as follows:

22 9. a. The curriculum for police training courses required  
 23 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) shall include  
 24 training on responding to the needs of crime victims, and specific  
 25 training on responding to the needs of victims of human trafficking  
 26 as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and on  
 27 services available to provide assistance, including information on  
 28 federal, State, and local hotlines available to receive reports of and  
 29 provide assistance to victims of human trafficking.

30 b. In-service training shall be made available for police officers,  
 31 assistant prosecutors, county detectives and investigators on  
 32 specialized needs of crime victims and available services.

33 (cf: P.L.1985, c.404, s.9)

34

35 <sup>1</sup>【19.】 21.<sup>1</sup> (New section) <sup>1</sup>【a.】<sup>1</sup> An applicant for licensure as a  
 36 massage and bodywork therapist or registration as an employer  
 37 offering massage and bodywork therapies under P.L.1999, c.19  
 38 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.)  
 39 <sup>1</sup>【shall not be eligible for licensure or registration, as the case may  
 40 be】<sup>1</sup>, and any holder of a license or registration under P.L.1999,  
 41 c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.)  
 42 shall <sup>1</sup>【have his license or registration revoked if the New Jersey  
 43 Board of Massage and Bodywork Therapy determines】<sup>1</sup>, consistent  
 44 with <sup>1</sup>【subsection f. of】<sup>1</sup> section 8 of P.L.1978, c.73 (C.45:1-21)  
 45 <sup>1</sup>and supporting regulations by the New Jersey Board of Massage  
 46 and Bodywork Therapy<sup>1</sup>, <sup>1</sup>【that】 be subject to a<sup>1</sup> criminal history  
 47 record <sup>1</sup>【information exists on file in the Federal Bureau of

1 Investigation, Identification Division, or in the State Bureau of  
2 Identification in the Division of State Police, which may disqualify  
3 that individual from being licensed or registered**】** background  
4 check, which may, consistent with that applicable law, result in a  
5 refusal to issue a license or certificate, or suspension or revocation  
6 of an existing license or certificate<sup>1</sup>.

7 <sup>1</sup>**【b.** An applicant and holder of a license or registration who is  
8 required to undergo a criminal history record background check  
9 pursuant to subsection a. of this section shall submit to the board his  
10 name, address, and fingerprints taken on standard fingerprint cards  
11 by a State or municipal law enforcement agency or by a private  
12 entity under contract with the State. The board is authorized to  
13 exchange fingerprint data with and receive criminal history record  
14 information from the Federal Bureau of Investigation and the  
15 Division of State Police for use in making the determinations  
16 required pursuant to this section.

17 c. Upon receipt of the criminal history record information for a  
18 person from the Federal Bureau of Investigation or the Division of  
19 State Police, the board shall notify the applicant, licensee, or  
20 registered individual, as applicable, in writing, of the person's  
21 qualification or disqualification for licensure or registration under  
22 this section.

23 d. If an applicant, licensee, or registered individual refuses to  
24 consent to, or cooperate in, the securing of a criminal history record  
25 background check, the board shall not issue a license or registration,  
26 as the case may be, or other authorization to the applicant, licensee,  
27 or registered individual.

28 e. All costs associated with performing the criminal history  
29 record background check required by this section shall be borne by  
30 the applicant for licensure or registration or the holder of any  
31 license or registration.

32 f. The New Jersey Board of Massage and Bodywork Therapy,  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate  
35 the purposes of this section.**】**<sup>1</sup>

36  
37 <sup>1</sup>**【20.】** 22.<sup>1</sup> Sections 1 and 2 of this act shall take effect  
38 immediately, and the remaining sections shall take effect on the  
39 first day of the second month next following the date of enactment,  
40 but the Attorney General, Commissioner of Community Affairs,  
41 Commissioner of <sup>1</sup>**【Human Services】** Health<sup>1</sup>, the Director of the  
42 Administrative Office of the Courts, and the New Jersey Board of  
43 Massage and Bodywork Therapy may take any anticipatory  
44 administrative action in advance thereof as shall be necessary for  
45 the implementation of this act.